



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**CENTRAL LICENSING COMMITTEE**

Date and Time

**MONDAY, 15TH MARCH, 2021**

**TO FOLLOW ON FROM THE GENERAL LICENSING COMMITTEE**

Location

**Virtual Meeting**

Contact Point

**Lowri Haf Evans**

**01286 679 878**

**[lowrihafevans@gwynedd.llyw.cymru](mailto:lowrihafevans@gwynedd.llyw.cymru)**

(DISTRIBUTED Friday, 5 March 2021)

# **CENTRAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (8)**

Councillors

Steve Collings  
Dafydd Owen  
Elfed Williams  
W. Gareth Roberts

Annwen Hughes  
Edgar Wyn Owen  
Gareth Tudor Morris Jones  
Elin Walker Jones

### **Independent (4)**

Councillors

John Brynmor Hughes  
Jason Wayne Parry

Eryl Jones-Williams  
Angela Russell

### **Llais Gwynedd (1)**

Councillor Gareth Williams

### **Individual Member (2)**

Councillor W Roy Owen  
Vacant Seat

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

**1. ELECT CHAIR**

To elect chair for 2020 / 21

**2. ELECT VICE CHAIR**

To elect Vice chair for 2020 / 21

**3. APOLOGIES**

To receive any apologies for absence.

**4. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

**5. URGENT ITEMS**

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

**6. MINUTES**

4

The Chairman shall propose that the minutes of the meeting of this Committee, held on 2nd of December 2019 be signed as a true record.

**7. LICENSING SUB COMMITTEE MINUTES**

5 - 39

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

1. 26-01-21
2. 05-01-21
3. 26-11-20
4. 09-03-20
5. 18-12-19
6. 05-11-19
7. 20-09-19

**8. THE IMPACT OF THE COVID 19 CRISIS ON LICENSING SERVICES**

40 - 42

To consider the report

# Agenda Item 6

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## CENTRAL LICENSING COMMITTEE, 02.12.19

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**Present:** Councillors Annwen Hughes, John Brynmor Hughes, Gareth Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Roy Owen, Jason Wayne Parry, Peter Read, W. Gareth Roberts, Elfed W. Williams (Chair) and Gareth Williams.

**Also in Attendance:** Gareth Jones (Assistant Head - Planning and Environment), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

Councillor W. Gareth Roberts was welcomed as a new member of Central Licensing Committee.

### 2. DECLARATION OF PERSONAL INTEREST

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

### 3. URGENT ITEMS

None to note

### 4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this Committee, that took place on 9 September 2019, as a true record.

### 5. MINUTES OF THE LICENSING SUB-COMMITTEES

Accepted, for information, the minutes of the Sub-committee held on 20.06.19

The meeting commenced at 10.50am and concluded at 10:55am.

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## CENTRAL LICENSING SUB-COMMITTEE 26.01.2021

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**Present:**                    **Councillors:** Anwen Hughes (Chair), Gareth Jones and Edgar Owen

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democracy Services Officer).

1.     **APOLOGIES**

Apologies were received from Lis Williams (North Wales Police) and Sharon Dysart (Local Consultee)

2.     **DECLARATION OF PERSONAL INTEREST**

None to note.

3.     **URGENT ITEMS**

None to note

4.     **APPLICATION FOR PREMISES LICENCE – Red Lion, Porthmadog**

**On behalf of the premises:** Darren Kelly (Applicant – Admiral Taverns Ltd)  
Peter Ashcroft (Solicitor on behalf of Admiral Taverns Ltd)

**Others invited:**                    Ffion Muscroft - Environmental Health Officer  
Cllr Nia Jeffreys - Local Member

The Chair welcomed everyone to the meeting.

The Chair highlighted that each party had the right to up to ten minutes to present their observations

a)     **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application to vary the premises licence for Red Lion, Porthmadog. The application was made in relation to changes to the interior plans of the public house, and to include an external area as a licensed area. It was reported that although the beer garden was already licensed, the application was made to extend the licensed area of the premises to include structures in the form of beach huts with alcohol ordered and served via a window in the rear of the premises.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. It was noted that a recent planning application (C20/0076/44/LL) to provide five beach huts and a 'hatch' door to the main building had been approved in accordance with conditions that included:

- The use of the wooden huts hereby permitted (with the exception of the smoking shelters shown on the existing site plans) shall not be open to customers outside the following times 9:00 am to 21:00 pm in any one day.
- The new bar serving hatch shall be closed outside the following times 9:00 am to 21:00 pm in any one day.

Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses received during the consultation period. It was noted that one objection had been received from a member of the public expressing concern regarding anti-social matters in terms of noise, public nuisance, sanitary issues and crime and disorder. The objection was supported with relevant up-to-date evidence which included short video clips, as well as screenshots showing the time and date. The Local Member expressed concerns about noise and public nuisance on behalf of neighbouring residents and the Environmental Health Service noted the need for the alcohol sales outside and the use of beach huts to cease at 21:00. The Town Council, the Police and the Fire and Rescue Service had no objections.

It was recommended that the Committee considered whether any additional precautions needed to be imposed on the licence's conditions, if it determined to approve the application in accordance with the observations of Public Protection and the requirements of the 2003 Licensing Act.

In considering the application, the following procedure was adhered to:-

- Members of the Sub-committee and the applicant were given the opportunity of ask questions of the Licensing Manager
- The applicant was invited to expand on the application
- Consultees were given an opportunity to present their observations
- The licensee, or his/her 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 consultee

- b) In expanding on the application, the applicant noted that he was happy with what had been presented. In response to questions from Sub-committee about the management of the rear door, the gate to the beer garden and the maximum number using the huts (need to anticipate safe numbers), it was noted that the gate was a fire exit - it was not used as a public entrance / exit. There was uncertainty about the maximum numbers allowed in the huts, but he highlighted that the situation would be regularly monitored, with a Covid-19 assessment implemented during the period of the crisis. He suggested that the use of the huts was a response to social distancing regulations during the Covid-19 crisis. He added that he would discuss the video evidence with the tenant of the public house.

The solicitor on behalf of Admiral Taverns noted that the external area would be managed by CCTV, with staff walking around the area and using the serving hatch to keep an eye on the situation. He added that the company operated responsibly, and that it would consider the safety of customers by mitigating any possible risks. It was noted that the sub-committee had the right to propose a maximum number that could use the huts, or a practical agreement could be considered. He suggested that there was no valid reason for refusing the application.

- c) In response, the Sub-committee noted that it wished to see a risk assessment completed after the lockdown period ended, and encouraged the tenant to make good use of the CCTV, and to retain the recordings for a six-month period.
- ch) The consultee in attendance took the opportunity to expand on the observations that were submitted by letter.

Environmental Health Officer,

- That it was not possible to investigate the noise concerns by installing a monitor on the site due to Covid-19 restrictions.
- Effective management was required – close doors and windows to minimise noise
- A suggestion to close the beer garden at 21.00

Councillor Nia Jeffreys (Local Member)

- The public house's location was surrounded by streets of terraced houses - consequently any noise would travel far
- The Covid-19 period had been challenging for local businesses - she stated her support for local businesses that were overcoming an extremely difficult period
- Admired an innovative scheme for providing a service through the use of beach huts
- She was duty-bound as a Local Member to highlight the concerns of nearby residents about complaints relating to noise and public nuisance.
- She accepted the suggestion to consider controlling the numbers using the beer garden
- Need to ensure that the gate to the beer garden was kept closed so that the public could wander back and forth
- In response to an observation that there was no need for a place to facilitate the sale of drugs, it was noted that the Police did not object to the application.

- d) In summarising his case and in response to the observations, the applicant noted that
  - Managing and supervising beer gardens was difficult, but he was confident that Admiral Taverns could address the matters that were raised
  - The Police would have submitted observations if they had any concerns
  - CCTV would be used effectively
  - Music would not be played outside
  - The doors and windows would be closed after 21:00
  - The gate would only be used as a fire exit

- dd) The applicant and the company's legal representative, the consultees, the Licensing Manager and the Environment Officer withdrew from the meeting whilst the members of the Sub-committee discussed the application

- e) In reaching its decision, the Sub-committee considered the application form, written comments submitted by interested parties, the Licensing Officer's report (including video and photographic evidence), and verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

**RESOLVED to approve the application to vary the licence, subject to the inclusion of the conditions in the Schedule of Operation below;**

**In section (b) the following were added:**

- **"The property will run and maintain a CCTV system to observe the internal and external areas. The premises will retain the recordings on the system for up to 28 days. The premises will provide copies of the recordings upon request to the Licensing Authority or the Police.**
- **The premises will keep a sensor on the rear fire door located in the outdoor area, that will sound an alarm inside the public house if the door is opened without permission.**
- **A zero tolerance approach will be taken towards drugs."**

**In section (d) the following were added:**

- **"The bar 'hatch' outside will close at 21:00**
- **The beach huts outside will not be used by customers after 21:00**
- **The premises will install appropriate signage requesting customers to respect nearby property by not causing any noise nuisance when leaving the premises.**
- **The property will hold undertake regular site inspections to ensure compliance with the licence conditions."**

**In section (e) the following was added:**

- **"Each child must be accompanied by an adult at all times."**

**It was noted that the expansion of the licensed area to include the outside area was not part of the plan included with the application form, as this area was already part of the licensed area under the existing licence.**

All interested parties were thanked for submitting observations on the application. The Sub-committee gave appropriate consideration to all the observations.

It was noted that the Environmental Health Service, Porthmadog Town Council, the Fire Service and the Police had not objected to the application.

Given the concerns regarding anti-social behaviour in relation to noise, sanitary issues and crime and disorder, reference was made to incidents when customers using the beach huts were noisy and drinking until 22:00, alleging that this was contrary to a planning condition. It was noted that this had happened on five occasions, (evenings of Friday 20/11/20, Saturday 21/11/20, Friday 27/11/20, Saturday 28/11/20, Thursday 03/12/20). Evidence was submitted in the form of mobile phone video recordings and photographs to support the observations. Additionally, observations were received from the Local Member, voicing concern on behalf of nearby residents in relation to the outside use of the beer garden.

While the Sub-committee appreciated that these were genuine concerns, they referred to concerns regarding the use of the beach huts in the beer garden until 22:00 and later. However, the application requested restricting the use of the cabins until 21:00. If the application was approved, it was not considered that there would be future problems due to noise late at night as the huts would not be in use after 21:00. Consequently, the observations objecting on the grounds of noise were not really relevant to the application.



Video clips of approximately 30 seconds in length were viewed. The quality of the videos were not sufficiently clear to show distances, and it was not clear on which dates the videos were filmed. The Sub-committee did not have an opportunity to question the people who recorded them as they were not present in the hearing. Consequently, the Sub-committee felt that the videos were of limited value as evidence.

It was accepted that there was a possibility that noise originating from the premises could lead to public nuisance, but even with relevant observations, "public nuisance" was a technical term with a specific meaning in case law. Having received legal advice, the Sub-committee came to understand that a few hours of noise no more frequently than twice a week, in a densely populated residential area, with only one direct objection having been submitted, was not likely to cross the necessary threshold to be considered as a "public nuisance".

In relation to concern about crime and disorder and sanitary issues, no evidence had been received of specific incidents to support these observations.

Under the circumstances, the Sub-committee was satisfied that the application was in accordance with the licensing objectives, and the application to vary the licence was approved.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant received the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 11.00am and concluded at 12.40pm.

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## CENTRAL LICENSING SUB-COMMITTEE 05.01.2021

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**Present:** **Councillors:** Elfed Williams (Chair), Eryl Jones-Williams and Jason Wayne Parry

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services Officer).

### 1. APOLOGIES

Apologies were received from Lis Williams (North Wales Police) and Jonathan Evans (local consultee)

### 2. DECLARATION OF PERSONAL INTEREST

None to note.

### 3. URGENT ITEMS

None to note

### 4. APPLICATION FOR PREMISES LICENCE – Abersoch Diner, High Street, Abersoch

**On behalf of the premises:** Gavin Hancock (Applicant)

**Others invited:** Moira Duell-Parry – Environmental Health Officer  
Cllr Dewi Roberts (Local Member)  
Patricia Meyrick, Einir Wyn, Mary Marsden, Terry Evans, Paul Evans, Donna Jones and Cherry Steele (Local consultees)

The Chair welcomed everyone to the meeting.

The Chair highlighted that all parties would be allowed up to 5 minutes to make their representations.

#### a) **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application to vary the premises licence for Abersoch Diner, High Street, Abersoch. The application was made in relation to extending the opening hours, hours of the sale of alcohol on the premises and providing recorded music on the premises.

Attention was drawn to the details of the licenseable activities and the proposed hours in the report. It was highlighted that the applicant, after receiving comments and conditions from the Public Protection Department and several objections to the application, had agreed to compromise and not use the outdoor area after 6:00pm, and agreed that windows and doors shall be closed when music is playing (to be played at background noise level only). It was noted that the Licensing Authority Officers had sufficient evidence

that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence. The officer drew attention to the responses received during the consultation period, and noted that neither the Police nor the Fire Service had objections.

In considering the application, the following procedure was adhered to:-

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager
- The applicant was invited to expand on the application
- Consultees were given an opportunity to present their observations
- The licensee, or his/her 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 consultee

- b) In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- He had agreed on a compromise following discussions
- He had agreed not to use the outdoor area after 6:00pm
- He was aware that the conditions would be included on the licence should it be granted
- That he needed these licence variances to be able to compete with similar businesses on Abersoch High Street

In response to questions from the sub-committee, he noted that the boundary wall was some 10 - 15m from the nearby property and he had not received complaints about litter and noise in the past.

- ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations that were submitted by letter.

Environmental Health Officer,

- That the applicant, following discussions, had agreed not to use the outdoor area after 6:00pm, and agreed that the windows and doors must be closed when music is playing (to be played at background noise level only).
- That the restaurant already provided food, but the addition to the back garden would release more space
- That a recommendation to refuse a similar planning application to a premises behind this building due to an inadequate ventilation system and right of way had highlighted concerns for this application
- That the restaurant is close to nearby houses – the premises to the rear of the restaurant was on higher ground than the garden, therefore noise would carry. Although music noise could be controlled, voices could not. The applicant would have to manage this effectively.
- That the road behind the restaurant was very narrow
- She had assessed the application as a restaurant – providing meals/light refreshment to families, and not as a public house
- There would be no food provided after 11pm – bar only after this

- That they were supportive of the business and therefore imposed conditions so that the timings and use of the outside area could be managed – it was an opportunity for the applicant to demonstrate his ability to manage noise
- The site was a designated 'business area'

Councillor Dewi Roberts (Local Member)

- There was a lot of noise on the High Street on the weekend
- That the use of the rear garden extended into a domestic area which would seriously impact on the neighbours' privacy – use of the garden was unsuitable
- Difficulties arose when people became rowdy as they drank alcohol
- There were enough restaurants and pubs in the village
- It was likely that complaints would be issued to him and the local Police

Patricia Meyrick

- The premises had been founded for the purpose of selling ice-cream
- The building was unsuitable for use as a public house
- She would not permit use of the road to the rear of the building for vehicles or business – she would lock the gate if necessary

Terry Evans

- The application for a licence was until 00:30 – a significant increase in opening hours
- He lived back to back with the premises, and highlighted concerns about noise from using the garden

Mary Marsden

- The road to the rear measured 9 feet
- Noise would carry over the walls, and smoke if there were customers smoking
- Was it necessary to have a licence until midnight? Could this perhaps be permitted for specific events only? The restaurant could close at 10:30pm
- Her concerns had been alleviated slightly with the knowledge that the outside area would have to close at 6:00pm
- How would use of the garden be managed? We need to see concrete arrangements for site management
- Concerns about increased noise within a residential area

Cherry Steele

- Nothing to add to the concerns that had already been highlighted

Donna Jones

- The noise would carry up towards her parents' property
- Her parents were of retirement age and wanted to relax without being disturbed by noise
- There was too much coming and going along the back road to the building

Paul Evans

- A business had always existed on the site, but the back yard / garden had never been used
- He objected to the proposal to have tables in the back garden
- The noise would carry
- His parents were getting older – concern about the effect this will have on their privacy and retirement

Einir Wyn – Llanengan Community Council Clerk

- She endorsed the observations that had already been expressed
- There were already too many public houses in the village
- Lack of management
- The area to the rear was very small
- There was no reason to have this located amongst houses
- The business had been run as a café over the years
- The building is not large enough to be a public house

d) In summarising his case and responding to the observations, the applicant noted that access to the garden and the back yard would close at 6:00pm by locking the entrance. He added that there was no access to the garden and yard from the narrow lane, therefore they could only be accessed through the front door which was on the High Street. The lane would only be used for refuse collection. He highlighted that there were similar businesses in the area that may generate noise. In response to supervision of the back area, he confirmed that the door would be locked.

dd) In response to the comments, the Licensing Manager made the following comments:

- She accepted the concerns of the local residents and the community council
- The venue was very restricted and located within a sensitive area
- The Sub-committee had the right to impose conditions to secure what had been promised by the applicant, and that those conditions could be worded to include the concerns so that they could be managed

The applicant, the consultees, the Licensing Manager and the Environment Officer withdrew from the meeting whilst the members of the Sub-committee discussed the application

ff) In reaching its decision the Sub-committee considered the applicant's application form, written comments submitted by the interested parties, the Licensing Officer's report, and the verbal observations received during the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

**RESOLVED to approve the application and vary the licence as follows:**

- **Opening hours: Saturday - Sunday 08:00-00:30**
- **Supply of alcohol on the premises: Saturday - Sunday 11:00 – 00:00**
- **Recorded music indoors: Saturday - Sunday 11:00 – 00:00**
- **No change to mandatory conditions**
- **The conditions in the Schedule of Operation to include the following: in part (d), the following words to be added, "In order to reduce noise, the premises shall not use the outdoor area after 6pm, the premises shall keep windows and doors shut when music is played, and the noise shall be background level noise only."**

All interested parties were thanked for submitting observations on the application. The Sub-committee gave due consideration to these observations, noting that they had been made in response to the original application to vary the licence.

Observations were received from local residents expressing concern that crime and disorder was likely to increase should the application be approved. While the Sub-committee appreciated that these were genuine concerns, no evidence beyond speculation had been submitted to support these concerns. In the absence of the evidence, the Sub-committee did not consider that approval of the application would undermine the objective of preventing crime and disorder.

Whilst the Sub-committee accepted that the premises was close to the main road, and that parking space was possibly limited, it was not of the opinion that these factors necessarily constituted a risk to public safety. Consideration was given to the fact that the café already existed on the site with many other nearby businesses. No reliable evidence had been submitted showing that there were public safety concerns currently associated with the premises. The Sub-committee did not consider that approval of the application would undermine public safety.

It was accepted that there was a possibility that noise originating from the premises could lead to public nuisance. These were considered to be genuine concerns since no objective evidence had been submitted with regard to the likely number of events, their frequency, the expected noise level or the number and percentage of people who would be affected in the area. Consequently, there was insufficient evidence for the Sub-committee to be satisfied that the approval of the application was likely to lead to noise that would be so problematic such that it would reach the legal threshold of "public nuisance". It was considered that amendments made to the application meant that the risk of any noise from the premises disturbing the local area was low, and that the amendments responded to the noise concerns in a reasonable and proportionate manner. In the circumstances, the Sub-committee was of the view that the amended application conformed to the objective of preventing public nuisance.

Although accepting and understanding the suggestion that there were too many licensed premises in the village, individuals' opinions about the numbers of licensed premises in a particular area was not a relevant consideration for the Sub-committee in considering an application under the Licensing Act 2003. Consequently, these comments were disregarded when discussing the application.

The Sub-committee was satisfied that the application to vary the licence as amended, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 2.20pm and concluded at 4.00pm.

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## CENTRAL LICENSING SUB-COMMITTEE 26.11.20

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**Present:** **Councillors :** Elfed Williams (Chair), Annwen Hughes and Steve Collings

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services Officer).

**1. APOLOGIES**

None to note

**2. DECLARATION OF PERSONAL INTEREST**

None to note.

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR A PREMISES LICENCE – ABER FALLS DISTILLERY**

**On behalf of the premises:** Christopher James Wright (Applicant)

**Others invited:** Ffion Muscroft – Environmental Health Officer  
Joan Underwood, Nicolette Whiting and Ann Pennell  
(Local Consultees)

The Chair welcomed everyone to the meeting.

The Chair highlighted that each party had the right to up to five minutes to present their observations

**a) The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application to vary a premises licence for Aber Falls Distillery, Station Road, Abergwyngregyn. The application was made in relation to the sale of alcohol on and off the premises, film showings, live and recorded music, dance performances and the provision of late night refreshments.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that since the report had been published, the applicant had agreed to a reduction in the hours, and therefore the application was being considered as an amended application. It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence. Attention was drawn to the responses received during the consultation period, and it was noted that neither the Police nor the Fire Service had objections. The applicant also agreed to the Public Protection Department's conditions regarding a compromise to the opening hours.

- b) In considering the application, the following procedure was adhered to:-
- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager
  - The applicant was invited to expand on the application
  - Consultees were given an opportunity to present their observations
  - The licensee, or his/her 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 consultee
- c) In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to collaborate with the community
  - The application did not relate to a bar, but rather to a Bistro, with alcohol served solely with food. The Bistro would include a seating area for up to 35 people
  - Special events for marketing / promoting local foods and produce would be held in the Visitor Centre - these would be invitation-only events
  - The Visitor Centre would be a platform to showcase local produce
  - Stringent rules and operational guidelines were in place to control the numbers in the production area
  - The use of a temporary event notice would be appropriate for special events
  - The intention was not an entertainment venue, but rather a food and drinks centre
- ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations submitted by letter.

Joan Underwood

- She lived within 100 yards of the Distillery
- The enterprise was likely to disrupt her daily life - concerns about noise
- The application had been submitted without her knowledge and communication was difficult
- She would appreciate more information about the delivery and distribution arrangements as they had shared access, and also about future events
- The lights from the bistro would be bright at night



- The village would experience an increase in additional traffic - a need to consider the limitations of the infrastructure

Nicolette Whiting

- Many lorries would travel to and fro, which would affect the village residents
- An entrance for the distillery only would be welcomed - accepted that there had been recent flood damage
- A waste collection timetable was needed
- Concern about the parking arrangements and parking for coaches - insufficient space - if an additional car park was provided, where would its access be?
- Will the number of visitors to the Bistro be additional to the numbers that arrive in coaches?

Ann Pullaman

- Confirmation of compliance with the provision for bats was needed

In response to the observation regarding the notice advertising the application for a licence, the Licensing manager explained that under the Licensing Act 2003 there was no requirement to send letters to neighbours (as happens with Planning applications). It was added that the Licensing Unit encouraged applicants to undertake consultation.

d) Taking advantage of her right to speak, the Environmental Health Officer highlighted that the applicant, following discussions, had agreed to reduce the opening hours and the supply of alcohol, and had also removed live music, dance performances and/or anything of a similar description from the application. It was agreed that a temporary event notice would have to be submitted if it was intended to hold a festival or any similar event, and the Health and Safety Policy needed to be reviewed in relation to transport and customers on the site. Consequently, the Environment Department had no objection to the amended application.

dd) In summarising his application, the applicant noted that

- There was a car park for coaches available, and there were ongoing discussions about a parking enterprise for the village
- Any 'party' arriving on a coach would have booked beforehand.
- The number of delivery and distribution lorries - the majority were weekly deliveries - and a timetable could be provided
- He was willing to share information about events - there was a need to agree locally on the best method of communicating the information
- The numbers would be managed effectively, with the booking system run through the website
- An ecological survey had been completed, and boxes had been provided for bats

The applicant and the consultee withdrew from the room while members of the Sub-committee discussed the application

- ff) In reaching its decision, the Sub-committee considered the application form, written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and disorder prevention
  - ii. Public nuisance prevention
  - iii. Ensuring public safety
  - iv. Protection of children from harm

### **RESOLVED to approve the application**

When deliberating, the Sub-committee considered the observations made by the Environmental Health Unit. As a result of the Unit's recommendations, the applicant decided to amend the application to reduce the hours to supply alcohol, playing recorded music and showing films. The applicant no longer requested a licence for live music, dance performance or similar entertainment.

Observations were received from local residents, expressing concern regarding the prevention of public nuisance regarding noise and light pollution, especially in relation to outdoor events involving entertainment and music. Concern was expressed about the definition of occasional events, that this would increase traffic and create more noise. There was also concern about public safety, due to the narrow location of the site, and the increase in the number of lorries loading and unloading goods.

The sub-committee gave due regard to these observations, and noted that they had been made in response to the original application to vary the licence. The Sub-committee was satisfied that these concerns had been adequately addressed by the changes made to the application following to the advice provided by the Environmental Health Unit.

The Sub-committee was satisfied that the application to vary the licence, as amended, was in line with the licensing objectives and that it would not lead to problems regarding light and noise pollution or an increase in traffic to the extent of undermining the objectives of public nuisance prevention and ensuring public safety. The Sub-committee was not convinced that granting the licence was likely to lead to the undermining of the licensing objectives, and no evidence had been received that granting the licence would lead to an increase in noise.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present. It was added that each party had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any appeal should be submitted to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date on which the appellant received a letter (or a copy of the letter) confirming the decision.

The meeting commenced at 11.40am and concluded at 12.15pm.



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## CENTRAL LICENSING SUB-COMMITTEE 09.03.20

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**Present:**       **Councillors :** Elfed Williams (Chair), Annwen Hughes and Dafydd Owen

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services 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 – BEECHWOOD HOUSE, BRIDGE STREET, DOLGELLAU**

**On behalf of the premises:** Dean Hawkins (Applicant)  
  Llinos Rowlands (Pubwatch Scheme / Owner of Dylanwad Da)

**Others invited:**                 Ian Williams (Anglesey and Gwynedd Licensing Co-ordinator, North Wales Police)  
  Lis Williams (North Wales Police)  
  Mark Mortimer (Public Protection Enforcement Officer)

The Chair welcomed everyone to the meeting.

The Chair welcomed everyone to the meeting. Lis Williams was welcomed as the new North Wales Police representative as Mr Ian Williams would be retiring from the Police. Mr Williams was thanked for his services and support and was wished a healthy and happy retirement.

The Chair highlighted that each party had the right to up to ten minutes to present their observations

a)       **The Licensing Department's Report**

Submitted – the report of the Licensing Manager detailing the application for a premises licence for Beechwood House, Bridge Street, Dolgellau. The application was being made in relation to a premises licence for a licensed shop and bar, by transforming the lower floor. It was intended to sell alcohol off the premises.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that since the report had been published, the applicant had agreed to a reduction in the hours, and therefore the application was being considered as an amended application. It was noted that the Licensing Authority Officers had sufficient

evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence. Attention was drawn to one objection that had been received during the consultation period, raising concerns about anti-social matters in relation to noise, customers smoking outside and other sanitary issues behind the premises.

The Police and the Fire and Rescue Service had no objections to the application, but the Police submitted observations in relation to CCTV. The applicant also agreed to the Public Protection Department's conditions regarding a compromise to the opening hours.

b) In considering the application, the following procedure was adhered to:-

- 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 present their observations.
- The licensee, or his/her 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 consultee

In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- The non-standard times would be for special events e.g. Sesiwn Fawr
- He accepted the conditions proposed by the Public Protection Department and was willing to reduce the opening hours
- It was intended to establish a high quality bar and somewhere to relax, rather than to create a public house atmosphere. It would bring something different to the town that would keep people in the locality and contribute to the local economy.

Llinos Rowlands added the following observations

- The venture had detailed plans
- The venture would be a positive addition to the town
- The venture would employ local people and would contribute towards the local economy
- It would be possible to install more lighting and CCTV cameras to alleviate concerns
- The onus was on the applicant to provide good management

Exercising his right to speak, the Police Officer confirmed that the Police had no evidence to object to the application as it was a new application. He accepted that there had been past difficulties in relation to 'The Stag Inn' public house, but those difficulties were irrelevant to the property under consideration.

He added the following observations:

- He was satisfied with plans and arrangements for managing the site
- A CCTV condition had been included as part of the application
- The hours were very reasonable

Exercising his right to speak, the Public Protection Officer stated that there had been positive discussions and collaboration with the applicant, and a compromise had been reached on the opening hours.

He added the following observations:

- Conditions had been imposed on the application
- There was no permission to hold outside events (a lack of space)
- Waste management arrangements could be made through the planning system
- The concerns expressed in the objection referred to other nearby public houses

In summarising his application, the applicant noted

- Children would not be permitted after 8pm - signs would be installed to inform families about the rules
- There would be no access to the bar from the bike storage area at the rear - only access to the flats above
- Additional toilets would be installed within the property

c) The applicant and the consultee withdrew from the room while members of the Sub-committee discussed the application

d) In reaching its decision, the Sub-committee considered the application form, written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Crime and disorder prevention
- ii. Public nuisance prevention
- iii. Ensuring public safety
- iv. Protection of children from harm

### **RESOLVED to approve the application**

While acknowledging the concerns expressed by the owner of an adjacent business regarding anti-social matters in relation to noise, customers smoking outside and other sanitary issues behind the premises, the Sub-committee was not convinced that issuing the licence would undermine the licensing objectives. No evidence was received that issuing the licence would lead to an increase in noise, customers smoking or sanitary problems that would cause a public nuisance.

The Sub-committee was satisfied that the licence application, as amended, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present.

The meeting commenced at 11.40am and concluded at 12.15pm.

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## CENTRAL LICENSING SUB-COMMITTEE 18.12.19

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**Present:**                **Councillors:** Elfed Williams (Chair), Edgar Owen and Dafydd Owen

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services Officer).

1.        **APOLOGIES**

None to note

2.        **DECLARATION OF PERSONAL INTEREST**

None to note.

3.        **URGENT ITEMS**

None to note

4.        **APPLICATION FOR A PREMISES LICENCE – Camlan Garden Centre, Farm Shop and Cafe, Dinas Mawddwy, Machynlleth**

**On behalf of the premises:** Mrs Lisa Allsop (Owner)

a)        **The Licensing Department's Report**

The report of the Licensing Manager was submitted giving details of the application for a premises licence for Camlan Garden Centre, Dinas Mawddwy. The application was submitted in relation to premises that comprise a farm shop and café mainly selling Welsh produce, fruit and vegetables. It was proposed to sell alcohol both on and off the premises together with holding around twelve temporary events such as restaurant evenings, afternoon tea and late-night shopping events.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these measures would be included on the licence.

It was noted that an observation had been received from the Snowdonia National Park Authority stipulating that in accordance with the Town and Country Planning Act 1990 a condition should be imposed for the applicant to reduce the hours stated on the application form to 10:00 - 16:00 on Sundays and Bank Holidays. An observation had also been received from a neighbour expressing concern about noise late at night.

It was recommended that the Committee approved the application subject to the applicant agreeing to comply with the planning conditions set by the National Park.

In considering the application, the following procedure was adhered to:-

- 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 present their observations.
- The licensee, or his/her 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.

- b) In expanding on the application, the applicant noted that she was happy with what had been presented.

She added the following observations:

- That the non-standard times would be for special events (eg restaurant evenings, late-night shopping events and afternoon tea).
- That she accepted the conditions proposed by the Snowdonia National Park Authority and was willing to reduce the opening hours.
- That it was proposed to sell quality Welsh products from the shop.
- There was no intention to sell cheap alcohol.
- It was possible to effectively manage the parking situation. Additional parking was available for restaurant evenings.

- c) The applicant withdrew from the room whilst the Sub-committee members discussed the application.

d) In reaching its decision, the Sub-committee considered the application form along with written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Crime and disorder prevention
- ii. Public nuisance prevention
- iii. Ensuring public safety
- iv. Protection of children from harm

### **RESOLVED to approve the application**

It was accepted that Snowdonia National Park Authority did not object to the application, but they recommended conditions in relation to the premises planning permission. It was highlighted that the planning permission included restrictions on hours that did not permit the premises to operate outside the hours of 8:30 - 20:30 Monday to Saturday and 10:00 - 16:00 Sunday and Bank Holidays. Except for Bank Holidays, the original hours sought appeared to be in-keeping with the planning permission hours. The applicant confirmed that she would amend the application for opening hours and the hours for the sale of alcohol on Bank Holidays from 10:00 to 16:00. This was consistent with the planning permission. It was noted that the Sub-committee would not include the other non-standard times on the licence, but invited the applicant to apply for temporary events notices as required. The applicant confirmed that she agreed with the comments.

In response to the concerns of a local resident that noise would stem from the premises at night, it was highlighted that the application did not request hours later than 18:00 and no application for music and entertainment had been submitted. Consequently, the Sub-committee was satisfied that approving the licence would not lead to a late night noise



problem and would be in line with the objective to prevent public nuisance.

The Sub-committee was satisfied with the licence application as amended, with the inclusion of the proposed conditions by the Snowdonia National Park Authority, and that it was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present.

The meeting commenced at 12.10pm and concluded at 12:45pm

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## CENTRAL LICENSING SUB-COMMITTEE 05.11.19

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**Present:**                **Councillors :** Elfed Williams (Chair), Annwen Hughes and Jason Wayne Parry

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services 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 –**

**Ffestiniog Railway, St Helen's Road,  
Caernarfon**

**On behalf of the premises:** Mr Stephen Greig (Caernarfon Station Manager)

**Others invited:**                        Mr Ian Williams, North Wales Police

**a)        The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Caernarfon, Ffestiniog and Welsh Highland Railway station, St Helen's Road, Caernarfon. The application was made in relation to a multi-purpose building, which included a shop and ticket office for the railway, and a café. It was intended to sell alcohol on and off the premises, show films and stage dramas, have live and recorded music, dance performances and similar entertainment.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these objectives would be included on the licence.

It was noted that an observation had been received from North Wales Police with a suggestion to include a condition for the applicant to install CCTV on the premises and to add the clause 'with 14 days' notice to the Police and Local Authority' in sections A,B,E,F,G,H, J and L where reference was made to 'non-standard times'.

It was recommended for the Committee to approve the application in accordance with

what had been agreed with the Police and in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was adhered to:

- 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 present their observations.
- The licensee, or his/her 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.

- b) In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to install a CCTV system.
- Non-standard times would be for special events (e.g. Christmas train journeys, volunteers' dinner).
- That he accepted the conditions proposed by the Police.

- c) Exercising his right to speak, an officer from the Police confirmed that the Police had no objection to the application. He added that conditions had been proposed to the applicant and that they would need to be formalised. A condition was proposed which involved installing CCTV on the premises and adding the clause 'with 14 days' notice to the Police and Local Authority' in sections A,B,E,F,G,H, J and L where reference was made to 'non-standard times'. It was noted that the applicant had agreed to accept these conditions on the licence.

- d) The applicant withdrew from the room whilst the Sub-committee members discussed the application.

- dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, and the Licensing Officer's report, as well as the verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Crime and disorder prevention
- ii. Public nuisance prevention
- iii. Ensuring public safety
- iv. Protection of children from harm

#### **RESOLVED to approve the application**

- a) It was accepted that the Police did not object to the application but they recommended that additional conditions be imposed in relation to CCTV. In the opinion of the Sub-committee, these conditions were reasonable and commensurate and were proactive steps towards promoting the licensing objectives of preventing crime and disorder. The applicant had confirmed that he agreed with the observations.

The Sub-committee was satisfied that the licence application as amended, with the

inclusion of the proposed conditions by the Police, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

**5. APPLICATION FOR PREMISES LICENCE - Sustainable Weigh, 13 Castle Square, Caernarfon**

**On behalf of the premises:** Mr Daniel John Hunt (applicant)

**Others invited:** Mr Ian Williams, North Wales Police

**a) The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Sustainable Weigh, 13 Castle Square, Caernarfon. The application was made in relation to the sale of alcohol off the premises. No alcohol would be consumed on the premises.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these objectives would be included on the licence.

It was noted that observations had been received from North Wales Police recommending that the applicant installed a CCTV system on the premises and introduced a Challenge 25 Scheme. There was also an observation from the Fire Service noting that they did not object to the application provided that the owner had ensured that the emergency lighting of the fire exit was working, the fire alarm system had been serviced and was in operation and that fire extinguishers had been serviced and were up to date.

It was recommended for the Committee to approve the application in accordance with what had been agreed with the Police and in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was adhered to:

- 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 present their observations.
- The licensee, or his/her 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.

b) In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to install a CCTV system.
- Three cameras had been installed on the site.
- He confirmed that alcohol would not be consumed on the site.

- c) Exercising his right to speak, an officer from the Police confirmed that the Police had no objection to the application. He added that conditions had been proposed to the applicant and that they would need to be formalised.

The applicant withdrew from the room whilst the Sub-committee members discussed the application.

- dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, the Licensing Officer's report, as well as the verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Crime and disorder prevention
- ii. Public nuisance prevention
- iii. Ensuring public safety
- iv. Protection of children from harm

**RESOLVED to approve the application**

It was accepted that the Police did not object to the application but they recommended that additional conditions be imposed in relation to CCTV and the introduction of a Challenge 25 Scheme. In the opinion of the Sub-committee, these conditions were reasonable and commensurate and proactive steps towards promoting the licensing objectives of preventing crime and disorder and protecting children from harm. The applicant had confirmed that he agreed with the observations.

The Sub-committee was satisfied that the licence application as amended, with the inclusion of the proposed conditions by North Wales Police, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

**6. APPLICATION FOR PREMISES LICENCE - The Sandbar Restaurant, The Warren, Abersoch**

**Councillors Elfed Williams and Jason W Parry had undertaken a site visit, organised and supervised by Heilyn Williams, Licensing Officer 04.11.19.**

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

**On behalf of the premises:**

Julian King, Haulfryn Group Ltd  
Bobby McGee, Haulfryn Group Ltd  
David John, Haulfryn Group Ltd  
Matt Pressman, Haulfryn Group Ltd  
Simon Conway, Haulfryn Group Ltd

**Others invited:**

Mr Ian Williams, North Wales Police  
Local consultee - Mr Nigel Jackson

a) **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for the supply of alcohol off the premises, live music, recorded music indoors and outdoors and the provision of late night refreshments, seven days a week.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these objectives would be included on the licence.

It was noted that an observation had been received by North Wales Police recommending that the applicant installed a CCTV system on the premises. Seven e-mails were received from owners of holiday units on the site objecting to the application on the basis of the four licensing objectives - crime and disorder prevention, public nuisance prevention, ensuring public protection and the protection of children from harm.

It was reported that the Licensing Authority had not been convinced that the application offered sufficient details in relation to the intended measures to alleviate the respondents' concerns and to ensure that the Licensing Objectives would not be undermined.

In considering the application, the following procedure was adhered to:

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

- b) In expanding on the application, the applicant's representative noted that he was happy with what had been presented. Photographs of the park were circulated to the Sub-committee and consultees to assist with the elements in question.

He added the following observations:

- The site visit had been beneficial.
- Abersoch Community Council had no objection to the application.
- They accepted the conditions of the Police to install a CCTV system on the premises.
- The conditions and rules of a restaurant were different to the rules and standards of the park.
- Access to the site was managed 24 hours a day by two security officers who were qualified with the Security Industry Authority.
- Minor offences and disorder were dealt with appropriately.
- The car park was sufficient.
- More lighting had been installed on the site.

- Staff would be trained in order to implement the Challenge 25 policy.
- Accepted the observation that communicating with residents about changes needed to improve.
- The restaurant would be effectively managed by focusing on providing users with a good experience.
- There was no intention to use the restaurant to hold music events only - specific events would be held, e.g. weddings, New Year's Eve party.
- The restaurant would be open to the public.
- There was planning permission for the purpose of restaurant use.
- He was willing to consider the objections and welcomed an open dialogue in an attempt to alleviate the concerns.

In response to a question regarding concerns by residents about noise from the restaurant, the applicant proposed noise control conditions (should the licence be granted).

- *Noise or vibration causing an unreasonable disturbance to people in the vicinity could not derive from the property.*
- *The level of amplified noise used in relation to the entertainment provided would always be under the control of the licensee / managers and the control system would be operated in a part of the property that was not accessible to the public.*

The conditions were welcomed as proactive steps to promote the objective of preventing public nuisance.

The Licensing Manager reiterated that Public Protection - Environmental Health Unit had not provided observations as it had not received complaints / evidence, but it supported the proposed noise conditions.

- c) The consultees present at the meeting took advantage of the opportunity to elaborate on their objections to the licence's approval and they reiterated the observations that had been presented by letter. Photographs of the park were circulated to the Sub-committee and the applicant to assist with the elements in question.

Mr Nigel Jackson

- There was no objection to the applicant being granted a licence, but rather an objection to the hours of the licensable activities of the application.
- Photographs that had been submitted were misleading. Although the car park was large in size, it was being used as an area to store residential units or caravans.
- Consistency was required between park rules and restaurant rules.
- The size of the restaurant was substantially larger than the previous kiosk that was used as a bar.
- Nine speakers had been installed on the external walls of the restaurant.
- Minor offences and disorder occurred on site and it could increase with access to the public.
- The licensed hours would encourage a drinking environment which could lead to problems of creating public nuisance. A concern that it would be easy to run a bar with music only on the site should the restaurant not succeed.
- The main concern was the increase in non-residents which could lead to an increase in public nuisance, environmental impact and public use of the site.

- ch) Exercising his right to speak, an officer from the Police confirmed that the Police had no evidence to object to the application as it was a new application. He highlighted that 11 events had been recorded for The Warren but they were not associated with the property

in question. He added that he had visited the site and had discussed CCTV conditions with the applicant.

- d) In summarising their application, the applicants noted the following observations:
- It would be possible to arrange for the car park not to be used as a storage area.
  - The previous kiosk had a licence until midnight.
  - There was no intention of running the site as a drinking site.
  - There would be no access after 11pm to purchase or sell alcohol.
  - The intention was to run a restaurant.
  - The company had been established since 1935 with a healthy relationship with the local community - it was intended to continue to collaborate responsibly with the local community.
  - A substantial investment was being made to maintain and improve the luxury holiday park.
  - It was hoped to extend the season to 12 months.
  - The restaurant would employ up to 24 people during the busiest periods.
  - There was an intention to offer a good experience in a special location.
  - The company had a good reputation to protect.

In response to the observation regarding collaborating reasonably, the objector noted that the company had increased annual fees in order to construct the restaurant with an understanding that there would be a discount after the construction period. This was now inaccurate and, therefore, an example of irresponsible action. It was also reported that four cases of temporary licences had been granted and that one of those events had been held without a licence. If the company could not comply with the rules of temporary licences it was argued whether or not they deserved a full licence.

In response to the observations, the applicant noted that there had been no breach or lack of compliance with the conditions of a temporary licence. It was added that there was no evidence to support the allegation and that the observation had therefore been refuted. The Licensing Manager noted that no complaints had been received and that she would seek assurance that the applicant complied with the requirements of the licence.

The applicant withdrew from the room while members of the Sub-committee discussed the application.

- dd) In reaching its decision, the Sub-committee considered the application form along with written observations submitted by interested parties, the Licensing Officer's report, and verbal observations from the applicant's representative at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and disorder prevention
  - ii. Public nuisance prevention
  - iii. Ensuring public safety
  - iv. Protection of children from harm

#### **RESOLVED to approve the application**

It was considered that the observations by the Police were not in objection to the application, but they recommended that standard conditions be imposed in relation to CCTV. This condition was proposed in order to promote the licensing objectives of preventing crime and disorder and it was confirmed that the applicant agreed to them.

The Sub-committee did not deny the possibility that granting the licence could lead to an



increase in customers, including customers from outside the Warren site. The possibility that some customers could offend and behave in an antisocial manner, which would undermine the objective of preventing crime and disorder, could not be denied either. Similarly, the possibility that granting the licence could lead to noise and loud music problems, which would undermine the objective of preventing public nuisance, could not be denied.

However, should the licence be granted, no robust evidence of the number, density, frequency of potential incidents of offending or noise complaints had been submitted. As a result, it was difficult for the Sub-committee to anticipate whether problems were likely to reach the threshold of accounting as a crime and disorder problem or "public nuisance" under law. On the basis of evidence that had been received, the Sub-committee did not believe that granting the licence would be likely to undermine the objectives of preventing crime and disorder and preventing public nuisance. It was added that noise control conditions proposed by the applicant would reduce any risk of noise emanating from the property.

Among the objections, it was noted that rules bound the residences and the Warren site. These rules included prohibiting noise between 23:00 and 08:00 (rule 19), and prohibiting the consumption of alcohol in public (rule 20). While the Sub-committee accepted the existence of these rules, it was not a reason to refuse the licence. The decision of the Sub-committee was to ensure that the hours and licensable activities of the licence were in accordance with the licensing objectives. It was highlighted that consideration could not be given to rules determined by a third party and rules where the Sub-committee was unaware of what objective consideration had been given to licensing objectives when they had been introduced. It was added that no evidence had been received that it was intended for these rules to bind the property itself and as noted by the applicant's representative, the restaurant in question was of completely different nature to the residences.

In the context of undermining the objective of ensuring public safety, the Sub-committee had not received any evidence beyond speculation that granting the licence would undermine the objective. It was reported that the property had planning permission for its intended use as a restaurant and that access safety would be addressed as part of the planning process. It was noted that any public safety concerns would have been discussed with the Highways Department, the Planning Department or the Police and the lack of observations from those bodies strongly suggested that there would be no serious implications to public safety. Members were reminded that the applicant's representative had highlighted the intention of increasing the car park's capacity which, in the opinion of the Sub-committee, would alleviate any concerns.

Similarly, no reliable evidence had been received to support the argument that granting the licence would put children at risk of harm. Again, it was explained that it was not the work of the Sub-committee to speculate on the impact - conditions could be measured when the property was in operation. If complaints were received that conditions were ineffective, then the licence could be brought before the Sub-committee under an application to vary or review the licence. The Sub-committee was of the opinion that the property's proposed conditions were sufficient to safeguard the objective of preventing children from harm. In addition, any attempt to purchase alcohol by under-age persons would be addressed by the property by implementing the Challenge 25 Scheme in accordance with the operating schedule submitted with the application.

Under the circumstances, the Sub-committee was satisfied that the application, with the noise control conditions proposed by the applicant at the hearing, along with the conditions recommended by the Police, were in accordance with the four licensing

objectives.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter along with the right to submit an appeal at Caernarfon Magistrates' Court within a 21 day period from receiving the solicitor's letter.

The meeting commenced at 10:10am and concluded at 1:05pm.

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## CENTRAL LICENSING SUB-COMMITTEE 20.09.19

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**Present:**               **Councillors:** Elfed Williams (Chair), Edgar Owen and Dafydd Owen

**Officers:**       Geraint B Edwards (Solicitor), Alun Roberts (Public Protection Enforcement 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 – Yr Hwb, Ysgubor Isaf, Lôn Cariadon, Bala, Gwynedd**

**On behalf of the premises:** Ms Zoe Rachel Hansford Smith (Applicant)  
  Mared Llwyd (Public Protection Enforcement Officer)  
  Mr Ian Williams, (North Wales Police)

**a)       The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Yr Hwb, Ysgubor Isaf, Lôn Cariadon, Bala. The application was made in relation to café buildings which include a garden/outside seating area, an outdoor activities centre, a soft play area and events centre. The intention is to sell alcohol on the premises, show films and dramas, have recorded and live music and dance performances.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these objectives would be included on the licence.

It was noted that two observations had been received, one by the Public Protection Unit based on concerns that allowing entertainment in the outdoor areas of the premises would create a noise nuisance for local residents, and one by North Wales Police recommending that the applicant installs CCTV on the premises.

In considering the application, the following procedure was adhered to:-

- 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 present their observations
- The licensee, or his/her 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

b) In expanding on the application, the applicant noted that she was happy with what had been presented.

She added the following observations:

- She intended to install a closed circuit television system
- It was intended to hold a food festival / beer festival / a market for farm produce on the premises together with film showings and theatre productions
- It was intended to trial live music on Sunday afternoons
- Should an event outside the licensed hours be organised, she would apply for a temporary licence.

c) Exercising his right to speak, an officer from the Police confirmed that the Police did not object to the application and that no complaints had been made to the Police following events on the site. He added that conditions had been proposed to the applicant and that they would need to be formalised. They had proposed a condition relating to the installation of CCTV on the premises as well as operating the Challenge 25 scheme. It was noted that the applicant had agreed to accept those conditions on the licence.

ch) Exercising her right to speak, Gwynedd Council's Public Protection Officer stated that a compromise had been reached with the applicant following a request by the Department to reduce the hours of all regulated entertainment outside the premises. It was agreed that the hours be amended to 9:00 - 19:30 (Monday to Friday). Following a compromise, it was confirmed that the Unit had no objection to the application, but they did recommend imposing noise conditions on the licence.

d) The applicant withdrew from the room whilst the Sub-committee members discussed the application.

dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, the Licensing Officer's report, as well as the verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- i. Crime and Disorder prevention
- ii. Public nuisance prevention
- iii. Ensuring public safety
- iv. Protection of children from harm

**RESOLVED to approve the application**

e) It was considered that the comments by the Police and Public Protection were not in objection to the application, but that they rather recommended that additional conditions be imposed in relation to CCTV, the Challenge 25 scheme and noise control. These conditions were proposed in order to promote the licensing objectives of preventing crime and disorder, protecting children from harm and preventing public nuisance. The applicant had confirmed that she agreed with these recommendations as well as the revising of the

licence to restrict outdoor entertainment to 09:00 - 19:00 every day.

The Sub-committee was satisfied that the application as amended, with the inclusion of the proposed conditions by the Police and the Gwynedd Public Protection Unit, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

## **5. APPLICATION FOR A PREMISES LICENCE – Yr Hen Gwrt, Caernarfon**

**On behalf of the premises:** Ms Moira Hartley (applicant)  
Mr Ian Williams, (North Wales Police)

### **a) The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Yr Hen Lys, Pen Deitsh, Caernarfon. The applicant had been made for the purpose of selling alcohol on and off the premises; showing films and plays; recorded and live music, any other entertainment and late-night refreshments.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period. It was highlighted that these objectives would be included on the licence.

It was noted that two observations had been received, one by North Wales Police recommending that the applicant installs a CCTV system on the premises and uses door supervisors, and one by the Fire Service.

In considering the application, the following procedure was adhered to:-

- 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 present their observations
- The licensee, or his/her 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

b) In expanding on the application, the applicant noted that she was happy with what had been presented.

She added the following observations:

- She intended to install a closed circuit television system
- She accepted the Police's recommendation to employ door supervisors for individual events only
- A site visit with the Fire Service and the Council's Estates Officer had been beneficial
- Further discussions were required regarding the lighting of the escape route

- That furniture would be placed on the street to attract customers to the building
- c) Exercising his right to speak, an officer from the Police confirmed that the Police had no objection to the application. He added that conditions had been proposed to the applicant and that they would need to be formalised. They had proposed a condition relating to the installation of CCTV on the premises as well as the use of door supervisors. It was highlighted that the applicant had stated in section M(b) of the application, 'Licensed door supervisors on duty for all events'. The Police were of the view that door supervisors would not be required for all events, considering the nature of the events that would be held on the premises. Consequently, the applicant would be required to assess individual events before deciding whether door supervisors were needed. The following condition was proposed, 'Each event will be risk assessed to establish whether door supervisors are required'. It was suggested that a condition relating to operating the Challenge 25 scheme rather than Challenge 21 be imposed on the licence. It was confirmed that the applicant had agreed to accept those conditions on the licence.
- ch) It was reported that the original response by the Fire Service, received on 16 August, stated that the premises did not comply with fire precautions; specifically because the emergency escape route at the rear of the building led to a locked gate behind the Council's Headquarters building. Following a site survey with the applicant and the Council's Estates Officer on 21 August, confirmation had been received that the Fire Service were withdrawing their objections to the application. The Estates Officer had agreed that changes would be made to a fence panel so that it could be easily opened without a key. This would ensure a clear escape route in the event of a fire emergency.

In response to the Members' concern about the escape route, the applicant noted that it was intended to hold further discussions regarding the lighting of the path that is located behind the Council buildings.

- d) The applicant withdrew from the room whilst the Sub-committee members discussed the application.
- dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, the Licensing Officer's report, as well as the verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and Disorder prevention
  - ii. Public nuisance prevention
  - iii. Ensuring public safety
  - iv. Protection of children from harm

#### **RESOLVED to approve the application**

It was considered that the observations by the Police were not in objection to the application, but that they rather recommended that additional conditions be imposed in relation to CCTV, the Challenge 25 scheme and the use of door supervisors. These conditions were proposed in order to promote the licensing objectives of preventing crime and disorder, and the protection of children from harm and it was confirmed that the applicant agreed to them. The observations of the North Wales Fire Service were not considered at the meeting, as they had been withdrawn.

The Sub-committee was satisfied that the licence application as amended, with the inclusion of the proposed conditions by North Wales Police, was in line with the licensing

objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

The meeting commenced at 2:50pm and concluded at 4:00pm.

# Agenda Item 8

<b>COMMITTEE</b>	<b>CENTRAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>15 March 2021</b>
<b>TITLE:</b>	<b>THE IMPACT OF THE COVID 19 CRISIS ON LICENSING SERVICES</b>
<b>PURPOSE:</b>	<b>FOR INFORMATION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>







## 1.0 BACKGROUND INFORMATION

1.1 The Licensing Unit administers and enforces the law in a wide range and a variety of businesses.

1.2 The unit license the following sectors in order to protect the users, businesses and the communities of Gwynedd from any detrimental impacts; and take enforcement measures where required to keep users of licensed services safe.

- Alcohol and entertainment licensing (including events) and gambling.
- Personal alcohol licences
- Animal permits including pet shops, riding establishments and dog breeding establishments.
- Taxi vehicles, drivers and operators.
- Caravan sites
- Licensing of scrap metal dealers.

1.3 The following table demonstrates how many of the various licences are currently administered and enforced across the County -

Number of licences	
 1,001 Alcohol Premises	 66 Gambling Premises
 301 Vehicles and 503 Taxi Drivers	 35 Animal Permits
 477 Caravan sites	 26 Scrap Metal Dealers

## 2. THE IMPACT OF THE COVID 19 CRISIS ON LICENSING SERVICES

2.1 Since March 2020, in response to the Covid pandemic emergency, the Public Protection Services have had to adapt and prioritise in order to contribute to the effort to control the spread of the Covid-19 infection.

2.2 Licensing service officers have been implementing a much wider role within the Public Protection Services during the Pandemic. This is because so many officers in the other



Units, such as the Food Unit and Health and Safety, have nearly all been redeployed to responsive work and to giving guidance in relation to Covid infection clusters in schools, homes for the elderly and establishments and other workplaces.

- 2.3 The Track, Trace and Protect Service for Covid-19 cases was established initially by officers in the Food and Health and Safety Unit, and Licensing and pollution control service officers have been responding to the information that derives from the Track, Trace and Protect Service data.
- 2.4 This means that Enforcement officers within the Licensing and Pollution Control Unit have been responding to complaints of lack of compliance with Covid regulations in a variety of non-licensed premises as well as licensed premises such as public houses, restaurants and caravan sites.
- 2.5 The Public and businesses have found it difficult to cope with the constant changes in the rules; and service officers have been key in advising businesses how to adapt to keep everyone safe; especially as hospitality businesses re-opened over the summer.
- 2.6 The Marketing Development and Tourism Unit of the Economy and Community Department have been working closely with our officers to ensure that they send current information on the regulations to businesses via information bulletins that also include the latest guidance on financial support.
- 2.7 Officers have been working very closely with the Police throughout the pandemic; sharing key information in order to prevent the spread of Covid. Regular joint pro-active patrols were conducted in the popular tourist villages and towns during the summer, 2020 as well as in Bangor and Caernarfon at night and weekends - in order to give advice to businesses and customers on the regulations. The response to this was positive, as the regulations changed so often, it was an effective way of finding what measures caused the most problems for businesses.
- 2.8 Although licensed businesses on the whole strived to comply under extremely difficult circumstances; some businesses ignored the regulations; and officers had to serve informal and formal notices including 8 Premises Improvement Notices under the Welsh Government's Coronavirus regulations. One convenience shop also received a closure notice.

### **3. THE LICENSING UNIT'S ROUTINE WORK**

- 3.1 Like many other public services; the Licensing Unit is no exception to the fact that our ability to provide some 'routine' services has been challenging, and the restrictions have meant that we have been unable to do some things; or we have had to adapt to do them in a different way.
- 3.2 Maintaining a system of licensing individuals and businesses is essential to ensure Health and Safety and consistently high standards; fairness and a good service to the Public. Because of this; the various Licensing systems administered are statutory services; and we have had to work in a different way over the last few months in order to continue to provide these services in accordance with the law.
- 3.3 Licensing officers have held virtual interviews and tests with applicants; enforcement inspections have been conducted virtually some times due to the risks of face to face meetings. As you will be aware, the General and Central Licensing Sub-Committees have

been held virtually since July 2020, with a number of taxi, premises and one Licence Review applications determined by the members of this Committee.

- 3.4 For obvious reasons, there has been a significant reduction during the year in the number of Temporary Events Notices; however, 108 various premises licences and personal licences have been processed since the 1st of April 2020, and 341 various taxi licence applications.

#### **4. MOVING FORWARD**

- 4.1 The experiences of last year show that coming out of lockdown is especially challenging and the Service's workload will again significantly increase over the next few weeks, as businesses try to adapt in accordance with the requirements, to try and keep people safe; and to avoid stricter regulations once more.
- 4.2 Our officers are ready once more to support businesses and to use Enforcement powers when required. We will work closely again with other departments, and the Police and will strive to keep a high profile in our communities. Three engagement officers have been temporarily appointed to the Test, Trace and Protect service; and they will support the work of our Enforcement officers out in the communities; raising awareness where needed.
- 4.3 The Welsh Government and the UK's Vaccination Programme have been particularly effective thus far; but it will not completely eliminate the risks to health, and it will be necessary to be particularly careful when re-opening licensed premises such as public houses and night clubs.
- 4.4 It is anticipated that many applications to vary premises licences will be received; as businesses try to adapt their internal and external spaces to operate safely.
- 4.5 The Government is giving the situation careful consideration; and is taking advice from the Scientists in terms of what to do regarding holding large events. It is understood that 'experimental' events will be held in some counties, such as Conwy, where a licensed event will take place; with careful supervision in terms of the impact on the spread of the infection. Gwynedd has been a very popular location for all types of events in the past; and we will await further guidance from the Government regarding when it will be safe to recommence staging events in our County.
- 4.6 It will also be necessary to review policy documents in the next 12 months , starting with the Statement of Licensing Policy, under the Licensing Act 2003. All licensing authorities are required to review the policy every three years. Gwynedd Council's Statement of Licensing Policy is due for review; and we have been working to reconcile minor changes to the draft Policies across North Wales. When the situation allows, we will seek to submit the new draft Policy to the Committee, prior to the public consultation in the summer.