



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 13TH SEPTEMBER, 2021

TO FOLLOW ON FROM THE GENERAL LICENSING COMMITTEE

Location

Virtual Meeting

Contact Point

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(DISTRIBUTED Friday, 3 September 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

Gwynedd United Independents (1)

Councillor W Roy Owen

Individual Member (1)

Vacant Seat - Individual Member

Ex-officio Members

Chair and Vice-Chair of the Council

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

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

4. MINUTES

4 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 7th June 2021 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

6 - 29

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

06 July 2021

16 June 2021

07 June 2021

20 May 2021

Agenda Item 4

CENTRAL LICENSING COMMITTEE 07-06-21

Attendance:

Councillors: Steve Collings, Annwen Hughes, Elin W Jones, Gareth Morris Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Owen, Roy Owen, Angela Russell, Elfed Williams and Gareth Williams

Officers:

Geraint Brython Edwards (Solicitor), Gareth Jones (Assistant Head – Environment), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. ELECTION OF CHAIR FOR 2021/22

RESOLVED TO ELECT COUNCILLOR ANNWEN HUGHES AS CHAIR FOR 2021/22

Councillor Elfed Williams was thanked for his work as Chair of the Committee over the past two years, and also for his support to the Licensing Sub-committees.

2. ELECTION OF VICE-CHAIR FOR 2021/22

RESOLVED TO ELECT COUNCILLOR EDGAR OWEN AS VICE-CHAIR FOR 2021/2022

3. APOLOGIES

Apologies were received from Councillor John Brynmor Hughes and Councillor Jason W Parry

4. DECLARATION OF PERSONAL INTEREST

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

5. URGENT ITEMS

- The committee took the opportunity to give official thanks for the good work being done by the Track, Trace and Protect officers
- Attention was drawn to a Member's seat that had been vacant for some time now on the Committee's Membership list. It was suggested that the matter be referred to the Business Group

6. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the meeting of the committee held on 15 March 2021 as a true record.

7. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEE

Accepted, for information, the minutes of the Sub-committees held on 23 February and 27 April 2021.

8. APPROVAL TO COMMENCE A STATUTORY CONSULTATION ON A DRAFT STATEMENT OF POLICY – LICENSING ACT 2003

Submitted – a report by the Licensing Manager highlighting the need to commence a statutory consultation on a draft statement of policy of the Licensing Act 2003. Members were reminded of the statutory requirement on all Licensing Authorities to review their policy every five years and amend it as required. She added that Gwynedd Council Licensing Authority's current policy had been approved at a Full Council meeting in December 2015.

She referred to the new draft policy and drew attention to the minor changes made to the current policy. She also referred to the role of Public Health Wales and the Health Board in the process of policy-forming and responding to applications for a premises licence.

Proposed and seconded – to approve the recommendation

In response to a question about receiving minutes of officers' meetings across North Wales, it was noted that since these meetings were taking place weekly and that 90% of the discussion revolved around Covid-19 regulations, there were no written minutes of these meetings available.

RESOLVED

- 1. To approve commencement of the statutory consultation on the draft Statement of Licensing Policy.**
- 2. At the end of the consultation period a report shall be submitted to this committee outlining the responses received. Any concerns raised about the new draft policy will be considered and changes will be made to the policy as required.**
- 3. Upon approval from this committee following the consultation, the new policy will be submitted to the Full Council to consider; for a decision.**

The meeting commenced at 10.00am and concluded at 10.25am

Agenda Item 5

CENTRAL LICENSING SUB-COMMITTEE 6.07.2021

Present: Councillors: Anwen Hughes (Chair), Edgar Owen and Roy Owen

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

1. **APOLOGIES**

Apologies were received from Moira Duell-Parry (Environmental Health Officer)

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR PREMISES LICENCE – THE GRIFFIN, GRIFFIN TERRACE, PENRHYNDEUDRAETH, GWYNEDD**

Representing the premises:

Nia Jones (applicant)

Others invited:

Local Member: Councillor Gareth Thomas

The Chair welcomed everyone to the meeting.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for The Griffin, Griffin Terrace, Penrhyndeudraeth, Gwynedd. The application was made in relation to the sale of alcohol, live and recorded music, on and off 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. 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.

She drew attention to the responses that had been received during the consultation period, and noted an objection from the Public Protection Department and proposed conditions from North Wales Police.

The objection from the Public Protection Department highlighted noise concerns due to outdoor entertainment late at night on the premises, which would lead to the creation of a public nuisance to the residents of nearby houses. Following a series of e-mails,

correspondence had been received from the applicant confirming that it was intended to build an area for the provision of live outdoor entertainment, although this work had not yet been completed. The applicant expressed his wish to withdraw the *outdoor entertainment* element from the application until they were in a situation to implement appropriate measures. Consequently, the Public Protection Department withdrew its objection to the application, subject to the applicant confirming at the hearing that there was no intention to hold outdoor entertainment for the time being.

It was added that the applicant had agreed to include additional conditions in relation to CCTV, promoting the Challenge 25 Initiative and undertaking a risk assessment on the requirement for door supervisors, at the request of North Wales Police.

It was recommended that the Committee approved the application if the applicant confirmed that the provision of outdoor entertainment was removed from the application, and in accordance with the recommendations of the Police and the requirements of the Licensing Act 2003.

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

- 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 consultees

Elaborating on the application, the applicant noted:

- She was happy with the observations presented by the Licensing Manager
- She was withdrawing the *outdoor entertainment* element from the application for the time being – the provision had not been completed
- Everything was ready in order to open

In response to an observation regarding emphasising the need to ensure that CCTV recordings were kept for 30 days, the Licensing Officer stated that this formed part of the Police's recommendations, and that the applicant had agreed to fully comply with these requirements.

At the Chair's invitation, the Local Member in attendance took the opportunity to present observations

Local Member - Councillor Gareth Thomas

- He was supportive of the application.
- It was pleasing to see a business opening in the hospitality sector.
- The applicant and her family had made a substantial investment in the enterprise.
- The public house was an important resource for the village
- There were plans to extend the use of the outside area, but an application would be submitted following the receipt of planning permission and the completion of the work.
- He was pleased to see The Griffin re-opening and in safe hands

Taking advantage of the opportunity to conclude her case, the applicant noted the following points:

- She was grateful for the opportunity to hold a discussion

- The enterprise would provide local employment
- The Griffin was the heart of the village, a family public house with a garden - and the football team were already looking forward to seeing the public house re-open

The Licensing Manager added that she was happy with the applicant's confirmation that outdoor entertainment was being withdrawn from the application, and that an amended application would be considered. It was intended to continue to collaborate with the applicant and the Public Protection Department to ensure that a suitable outdoor area was provided at the premises in future.

The applicant, the Local Member and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered written observations that had been submitted by interested parties, the oral observations presented during the hearing and the Licensing Officer's report. The Council's Licensing Policy and Home Office guidelines were 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

The licence was issued as follows:

1. Opening hours

Standard times:

- **Sunday-Wednesday 08:00-00:00**
- **Thursday 08:00-00:30**
- **Friday-Saturday 08:00-01:00**

Non-standard times:

- **Final hour 01:00 on Bank Holiday Weekends**
- **Final hour 02:00 on New Year's Eve**

2. Live music indoors only

Standard times:

- **Sunday-Wednesday 11:00-23:00**
- **Thursday-Saturday 11:00-00:00**

Non-standard times:

- **Final hour 00:30 on Bank Holiday Weekends**
- **Final hour 01:00 on New Year's Eve**

3. Recorded music indoors only

Standard times:

- **Sunday-Wednesday 11:00-23:00**
- **Thursday-Saturday 11:00-00:00**

Non-standard times:

- **Final hour 00:30 on Bank Holiday Weekends**
- **Final hour 01:00 on New Year's Eve**

4. Supply of alcohol to be consumed on and off the premises

Standard times:

- **Sunday-Wednesday 11:00-23:30**
 - **Thursday 11:00-00:00**
 - **Friday-Saturday 11:00-00:30**
- Non-standard times:**
- **Outdoor bar closes 22:30**
 - **Final hour indoors 00:30 on Bank Holiday Weekends**
 - **Final hour indoors 01:30 on New Year's Eve**
- 5. For the purpose of these conditions, Bank Holiday Weekends are defined as a period commencing on Friday and ending on the following Monday when a day within that period is a bank holiday.**
 - 6. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**
 - 7. The conditions recommended by North Wales Policy in relation to age checks, door supervisors and CCTV shall be incorporated as conditions on the licence.**

All parties were thanked for making representations on the application.

The Sub-committee gave specific consideration to the observations of the Council's Public Protection Department. The objection to the original application in relation to public nuisance concerns from outdoor entertainment late at night, was highlighted. Consideration was also given to North Wales Police's observations that recommended the inclusion of standard conditions in relation to age checks, supervisors and CCTV. Consideration was given to the applicant's observations confirming an amendment to the application not to include licensed outdoor music activities for the time being. It was accepted that there was an intention in due course to include these activities on the licence when the adaptation works to the premises had been completed.

The Committee did not come to a conclusion regarding whether or not the original application would have undermined the licensing objective of preventing public nuisance, as there was no need to consider the matter following the amendment to the application. The Sub-committee was of the view that the amendment to restrict music entertainment solely to inside the premises meant that there was only a low risk of noise, and that it would not be detrimental to the objective of preventing public nuisance.

Under the circumstances, the Sub-committee was satisfied that the amended application was in accordance with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was 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 14:00 and concluded at 14:30

CENTRAL LICENSING SUB-COMMITTEE 16.06.21

Present: **Councillors:** Annwen Hughes (Chair), John Brynmor Hughes and Dafydd Owen

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

1. **APOLOGIES**

Apologies were received from Paul and Deborah Peutrill and Dr Pamela Smith - local residents with regards to the application for Canolfan y Fron, Llandwrog, Caernarfon

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR A PREMISES LICENCE – Canolfan y Fron, Llandwrog, Caernarfon**

Representing the premises:

Mike Elsdon (applicant)
Eiriona Williams (applicant's representative)

Others invited:

Neighbouring Residents:

Edward Willcox
Jim Embrey

Local Member: Councillor Dilwyn Lloyd

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 for a premises licence for Canolfan y Fron, Llandwrog, Caernarfon. The application was made in relation to film showings, plays, indoor sports, boxing or wrestling entertainment, live and recorded music, dance performances and the sale of alcohol.

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 that had been received during the consultation period. It was noted that several objections had been received from nearby residents and the Fron Residents Association, which included a petition signed by 36 residents noting conditions and acceptable times. No observations or objections had been received from the Police and the Fire and Rescue Service.

The objections referred to each of the licensing objectives. Concerns had been expressed regarding anti-social matters in terms of noise, public nuisance, sanitary issues, parking and crime and disorder. It was also noted that the Ganolfan Committee had not sought a public consultation beforehand, and the applicant's proposed hours raised concern.

It was recommended that the Committee carefully considered the concerns of nearby residents and approved the application in accordance with the requirements of the Licensing Act 2003.

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

- 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 consultees

Elaborating on the application, the applicant's representative noted:

- No outdoor entertainment would be held after 22:00
- No alcohol would be sold from the shop after 21:00
- No alcohol would be sold from the restaurant after 21:00
- Usual hours would be 8:30 – 17:30
- It was hoped to hold events and therefore there was a need to extend the hours
There was no certainty at the moment as no requests for events had been received
- It was intended to engage with the local community when an application for an event would be submitted

In response to a question regarding the number of staff, it was noted that part-time volunteers worked in the shop with a chef and another three staff members helping out in the restaurant. It was confirmed that the Chef who had his name on the existing licence had resigned and that a new Chef had been appointed. It was added that the new Chef had been successful with an application for a personal licence and she was ready to accept the responsibility. It was noted there was a need to ensure that alcohol would not be sold until the current Chef had received the licence.

The consultees in attendance took the opportunity to expand on the observations they had submitted by letter.

Jim Embrey:

- A 'suitable' licence was acceptable

- Fron was a remote and quiet area with approximately 300 residents living there
- The proposed opening hours were extreme for the local community
- Local residents had met and had agreed to an extension of restricted hours - a few late nights were acceptable

Edward Willcox

- Astounded why Canolfan y Fron had not sought the opinion of the community before submitting an application
- Needed to consider the impact of selling alcohol on families living locally
- Needed to ensure that the licence was operated correctly

Local Member - Councillor Dilwyn Lloyd

- The main concerns were noise after 23:00
- There were bungalows for the elderly located next door to the centre
- Fron was a small sleepy village
- Parking had been highlighted as a concern
- A suggestion to impose a condition to close at 22:30 to satisfy local people
- No objection but important to share and express observations

Reference was made to the other observations received during the public consultation

Taking advantage of the right to conclude the case, the applicant's representative noted the following points:

- Although the application noted 8:30 - 23:30, this would only be for special occasions. The restaurant would otherwise close at 21:00.
- It was suggested that events would only be held occasionally
- The Ganolfan would contact the community before agreeing to hold an event

The Licensing Manager reiterated that the hours submitted with the application provided flexibility to the licence and that the essence of the application was 'occasional intention'.

The applicant and his representative, the consultees and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered written observations that had been submitted by interested parties and the Licensing Officer's report. The Council's Licensing Policy and Home Office guidelines were 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

The licence was issued as follows:

1. Opening hours

- **Standard times: Sunday-Saturday 08:30-23:00**
- **Final hour 00:00 on Bank Holiday Weekends, Christmas Eve and Boxing Day**
- **Final hour 01:00 on New Year's Eve**

2. Plays

- **Indoors: Sunday-Saturday 08:30-23:00**
- **Outdoors: Sunday-Saturday 08:30-22:00**

3. Indoor films: Sunday-Saturday 08:30-23:00

4. Indoor sports: Sunday-Saturday 08:30-23:00

5. Indoor boxing or wrestling: Sunday-Saturday 08:30-23:00

6. Live music

- **Indoors: Sunday-Saturday 08:30-23:00 (with the final hour 00:00 on Bank Holiday Weekends, Christmas Eve and Boxing Day, and the final hour 01:00 on New Year's Eve)**
- **Outdoors: Sunday-Saturday 08:30-22:00 (with the final hour 23:00 on Bank Holiday Weekends, Christmas Eve, Boxing Day and New Year's Eve)**

7. Recorded music

- **Indoors: Sunday-Saturday 08:30-23:00 (with the final hour 00:00 on Bank Holiday Weekends, Christmas Eve and Boxing Day, and the final hour 01:00 on New Year's Eve)**
- **Outdoors: Sunday-Saturday 08:30-22:00 (with the final hour 23:00 on Bank Holiday Weekends, Christmas Eve, Boxing Day and New Year's Eve)**

8. Dance performances

- **Indoors: Sunday-Saturday 08:30-23:00**
- **Outdoors: Sunday-Saturday 08:30-22:00**

9. Anything of a similar description to live music, recorded music or dance performance

- **Indoors: Sunday-Saturday 08:30-23:00 (with the final hour 00:00 on Bank Holiday Weekends, Christmas Eve and Boxing Day, and the final hour 01:00 on New Year's Eve)**
- **Outdoors: Sunday-Saturday 08:30-22:00 (with the final hour 23:00 on Bank Holiday Weekends, Christmas Eve, Boxing Day and New Year's Eve)**

10. Supply of alcohol to be consumed on and off the premises

- **Standard times: Sunday-Saturday 08:30-21:00**
- **Times when a private event is held: Sunday-Saturday shop 08:30-21:00, café - bar 08:30-23:00**
- **Final hour 00:00 in the café - bar on Bank Holiday Weekends, Christmas Eve and Boxing Day**
- **Final hour 01:00 in the café - bar on New Year's Eve**

11. For the purpose of these conditions, Bank Holiday Weekends are defined as a period commencing on Friday and ending on the following Monday when a day within that period is a bank holiday.

12. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives, e.g. arguments that there was no need for a licensed premises for the hours requested or at all, or a lack of relevant planning permission.

These matters are not premises licence application considerations.

Specific consideration was given to the following:

Observations had been received from Fron residents objecting to the application referring to the four licensing objectives. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in crime, disorder, noise, sanitary matters and parking problems. In addition, observations had been received from the applicant's representative noting the intention to restrict some aspects of what had been requested in the application and, as a result, the Sub-committee dealt with these as amendments. For information, no objections had been received from the Police, the Fire and Rescue Service, the Council's Public Protection Unit or the Council's Highways Department.

The Sub-committee highlighted that it accepted that some concerns expressed regarding the application were genuine. However, the Sub-committee was of the opinion that insufficient evidence had been submitted to prove that these problems were likely to happen should the licence be granted, and that it would be contrary to the licensing objectives.

Concern was expressed that there would be an increase in anti-social behaviour. No evidence had been submitted to support the allegation beyond general allegations about drinking that could be attributed to any licensed premises. No reasons or evidence why these specific premises would be likely to cause anti-social behaviour problems had been submitted. It appeared that the observations had been submitted on the grounds of speculation and no evidence - this was not legal grounds to make a decision - according to the High Court in R (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin).

No objection had been received from the Police. It was considered that if offending problems were likely to be increased that the Police would have highlighted this. Under the circumstances, the Sub-committee had not been persuaded that granting the licence would undermine the objective of preventing crime and disorder.

In the context of litter and noise concerns, should the licence be granted, the observations were considered as common concerns based again on speculation without the submission of robust evidence. No observations had been received from the Public Protection Unit reporting that granting the licence was likely to cause a noise problem - such observations would have become apparent should noise problems be likely. The Sub-committee rejected the allegation that restricting hours was necessary in order to ensure compliance with the Noise Act 1996. With a lack of evidence, there were no grounds for the Sub-committee to reach a conclusion that approving the licence would cause problems in terms of undermining the public nuisance objective.

In the context of road safety concerns and a lack of parking space with access for emergency service vehicles being affected, the concerns were accepted in relation to the licensing objective of ensuring public safety. However, the concerns were considered again as concerns based on speculation rather than evidence. The Police, the Fire and Rescue Service, any other emergency service or the Highways Department had not expressed any concern regarding road safety. It was expected that the official agencies would have observations highlighting this should there be a risk for the public. As a result of lack of evidence and observations from experts in the field, the Sub-committee had not been persuaded that granting the licence was likely to undermine the licensing objective of ensuring public safety.

The concerns submitted about child safety were common concerns, which were again

based on speculation without robust evidence to support the allegation. The Sub-committee was of the opinion that the application did not undermine the objective of protecting children from harm.

The attention of the Sub-committee was drawn to a petition that had been submitted objecting to the application. Although a copy had been provided to the Sub-committee, it came to the conclusion that the petition was not acceptable as evidence. The number of people who objected to an application in itself was not proof that one or more of the licensing objectives were likely to be undermined.

While the Sub-committee appreciated that genuine concerns had been raised, it was also disappointed to find that these concerns had been tainted to an extent by 'village politics' with regards to the property. As a result, the Sub-committee would fully encourage the applicant and all parties associated with this application to hold a constructive dialogue with each other in relation to any future matters that could arise with the property.

While the Sub-committee understood and accepted the concerns of residents about the application, a decision had to be made on legal grounds and based on robust evidence that was relevant to one or more of the licensing objectives. Under the circumstances, the Sub-committee was satisfied that the amended application was in accordance with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was 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.

5. APPLICATION FOR PREMISES LICENCE - Y CROCHAN, 9 – 11 HOLE IN THE WALL STREET, CAERNARFON

Representing the premises:

Dewi Jones and Chris Summers - applicants

Others invited:

Neighbouring Residents:

Rita Geary
Mandy Matthews

Local Member: Councillor Cai Larsen

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 for a premises licence for Y Crochan, 9 – 11 Hole in the Wall Street, Caernarfon. The application was made in relation to the sale of alcohol on and off 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. 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 that had been received during the consultation period. It was noted that objections had been received from neighbouring residents, which referred to two of the licensing objectives. Concerns were expressed regarding anti-social matters in terms of noise, public nuisance and that the business tables caused an obstruction to residents.

It was recommended that the Committee approved the application in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was followed:

- 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 their representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- Members of the Sub-committee were given an opportunity to ask questions to the consultees.

Elaborating on the application, the applicants noted:

- They had not been selling alcohol illegally - they had submitted and had been granted temporary event notices
- Tables would be located outside on one side of the street only
- Fire safety regulations were in accordance with Covid regulations

In response to a question about the licence holder, Mr Dewi Jones highlighted that he had now been granted a personal licence. It was also confirmed that there were no fire exit stairs from the first or second floors - there were only internal stairs with doors opening to the front and to the rear.

The consultees in attendance took the opportunity to expand on the observations they had submitted by letter.

Rita Geary (Mandy Mathews submitting observations on behalf of Rita Geary)

- Had lived on the street all her life - things becoming more difficult and causing concern
- Did not want to live with noise
- Difficult for the emergency services to gain access to the street after 16:00
- Too many tables outside on the street
- An additional licence would increase problems on the street

Mandy Mathews

- Lived next door to the premises - no 2m between her front door and the tables
- Did not feel safe - many similar establishments on the street
- No objection to a new venture but the proposal would add to existing problems
- Residents needed to be considered
- The right to park on the street between 16:00 and 11:30, which was ideal for her working hours, but difficult to get the car out / get onto the street at times as there were tables on the street - this caused more problems and concern

- The proposal was a restaurant, why was there a need to sell alcohol?
- Consider a compromise of 'bring your own alcohol'
- Needed to avoid drinking outside on the street

Local Member: Councillor Cai Larsen

- The applicants had run the Porthi Pawb Scheme, which had been very successful in Caernarfon during lockdown.
- He sympathised with the concerns of neighbouring residents
- The proposal was to establish a quality restaurant compared to other establishments on the street and therefore it would attract a different type of customer
- Permitting customers to 'bring their own alcohol' was likely to lead to more drinking with the purchase of cheaper alcohol
- Less control without a licence - the licence holder had discipline and a responsibility to maintain order

Taking advantage of the right to conclude their case, the applicant noted the following points:

- Permitting customers to 'bring their own alcohol' was likely to create more problems - no control over this
- It was intended to serve the last table at 20:30, therefore, did not anticipate people staying later than 22:00
- The restaurant would not contribute towards noise

The Licensing Manager reiterated that the applicants had submitted an application for a temporary event notice to sell alcohol of which a few had been granted. No illegal sale of alcohol had occurred and no complaints had been received during this period.

The applicants, the consultees and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered written observations that had been submitted by interested parties and the Licensing Officer's report. The Council's Licensing Policy and the Home Office guidelines were considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- v. Prevention of crime and disorder
- vi. Prevention of public nuisance
- vii. Ensuring public safety
- viii. Protection of children from harm

RESOLVED to approve the application

The licence was issued as follows:

- 1. Opening hours: Sunday-Saturday 09:00-00:00**
- 2. Supply of alcohol to be consumed on and off the premises: Sunday-Saturday 09:00-23:30**
- 3. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives, e.g. arguments that there was no need for a licensed premises for the hours requested or at all, or a lack of relevant planning permission. These matters were not premises licence application considerations.

Specific consideration was given to the following:

Observations had been received from members of the public objecting to the application referring to the licensing objectives of preventing crime and disorder, preventing public nuisance and ensuring public safety. In summary, concerns had been expressed that the premises had been serving alcohol without a licence; granting the licence would likely lead to an increase in noise and that business tables were an obstruction for neighbouring residents. For information, no objections had been received from the Police, the Fire and Rescue Service, the Council's Public Protection Unit or the Council's Highways Department.

The Sub-committee highlighted that it accepted that some concerns expressed regarding the application were genuine. However, the Sub-committee was of the opinion that insufficient evidence had been submitted to prove that these problems were likely to happen should the licence be granted, and that it would be contrary to the licensing objectives.

A concern was highlighted that the premises had been serving alcohol without a licence and, therefore, the applicant's willingness not to commit this offence in future was questioned. No details had been submitted in terms of dates, times or the circumstances of these alleged incidents and confirmation was received from the applicants and the Licensing Manager that temporary event notices had been submitted in relation to recent evenings at the premises. Presuming that any offence had been committed, no explanation had been provided as to how granting the licence would lead to more cases of selling alcohol without a licence when the existence of a licence would reduce the likelihood of offending in the first place - due to a lack of evidence, the Sub-committee had not been persuaded that granting the licence would undermine the objective of preventing crime and disorder.

A concern was highlighted that granting the licence would lead to an increase in noise problems. However, no evidence had been submitted to support the allegation beyond general allegations that could be attributed to any licensed premises nearby, and it was not explained why these premises in particular would be likely to cause a noise problem more than others. It appeared that the observations had been submitted based on speculation and no evidence - this was not legal grounds to make a decision - according to the High Court in *R (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin).

In the context of an objection on the basis that tables belonging to the premises would block road access, it was not explained why these premises in particular were likely to cause worse access problems than nearby licensed premises that had tables on the street. The Police, the Fire and Rescue Service, any other emergency service or the Highways Department had not expressed any concern regarding road safety. It was expected that the official agencies would have submitted observations highlighting this should there be a risk for the public. As a result of lack of evidence and observations from experts in the field, the Sub-committee had not been persuaded that granting the licence was likely to undermine the licensing objective of ensuring public safety.

While the Sub-committee understood and accepted the concerns of residents about the application, a decision had to be made on legal grounds and based on robust evidence that was relevant to one or more of the licensing objectives. Under the circumstances, the Sub-committee was satisfied that the amended application was in accordance with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was 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 14:00 and concluded at 11:55

CENTRAL LICENSING SUB-COMMITTEE 07.06.2021

Present: **Councillors:** Anwen Hughes (Chair), Steve Collings and Edgar Owen

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

 Observing: Councillor Elin W Jones

1. APOLOGIES

Apologies were received from the applicant, Mr J Rowley

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - The Venu, Pwllheli, Gwynedd

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for The Venu, Pwllheli, Gwynedd. The application was made in relation to the sale of alcohol, live music on the premises, recorded music on and off the premises, the showing of live sports, and late night refreshments.

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 that had been received during the consultation period. Pwllheli Town Council had no objection to the application. It was noted that the applicant had agreed to include additional conditions in relation to CCTV at the request of the Police. No further observations or objections were received. It was added that the application reflected what had been approved on the premises licence that existed previously.

It was recommended that the Committee approved the application in accordance with what was agreed with the Police and in accordance with the requirements of the Licensing Act 2003.

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

- 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 consultees

In response to an observation regarding emphasising the need to ensure that CCTV recordings were kept for 30 days, the Licensing Officer stated that this formed part of the Police's recommendations – the applicant and staff of the premises were to receive training on operating the CCTV system and how to record and download footage effectively. It was added that the applicant had agreed to conform fully to these requirements.

The applicant was not present to expand on his application.

North Wales Police were not present to expand on the observations they had submitted.

- d) The Licensing Manager withdrew from the meeting whilst the members of the Sub-committee discussed the application.
- dd) In reaching its decision, the Sub-committee considered written observations that had been submitted by interested parties, the Licensing Officer's report, the Council's Licensing Policy and the Home Office guidance. 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

The licence to be granted as follows:

- 1. Opening hours: Sunday - Saturday 08:00-03:00**
- 2. Live music indoors and outdoors: Sunday - Saturday 08:00-02:45**
- 3. Recorded music indoors and outdoors: Sunday - Saturday 08:00-02:45**
- 4. Indoor sporting events: Sunday - Saturday 08:00-23:45**
- 5. Dance performances, indoors and outdoors: Sunday - Saturday 08:00-02:45**
- 6. Late night refreshments: Sunday - Saturday 23:00-02:30**
- 7. Supply of alcohol to be consumed on and off the premises: Sunday - Saturday 08:00-02:30**
- 8. The matters specified in the Schedule of Operations (Part M) of the application shall be included as conditions on the licence.**
- 9. The draft conditions recommended by North Wales Police in relation to CCTV shall be incorporated as conditions on the licence.**

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations.

In considering the Police's representations, it was found that they did not object to the

application but recommended including additional standard conditions in relation to CCTV. It was considered that these conditions were proposed to promote the licensing objectives. It was noted that the applicant supported the recommendations. In the circumstances, the Sub-committee was satisfied that the licence application, with the inclusion of the proposed conditions by the Police, was in line with the licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was 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 11.30am and concluded at 11.55pm

CENTRAL LICENSING SUB-COMMITTEE 20.05.2021

Present: **Councillors:** Annwen Hughes (Chair), Angela Russell and Gareth Williams

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 Carol Turner (neighbouring resident)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE – The Black Sheep, 1, Lôn Pont Morgan, Abersoch

Representing the premises:

Ms Heidi McKinnell (applicant)
Mr Dylan Evans (applicant's representative)

Others invited:

Neighbouring Residents:

Margot Jones
Martin Turtle
Mike Parry on behalf of Grahame and Les Oddy
Robert Kennedy
Einir Wyn - Community Council Clerk
Wyn Williams
Mark McClure

Local Member: Councillor Dewi Roberts

Public Protection Department: Moira Duell Parry (Environmental Health Officer)

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 for a premises licence for Black Sheep, 1 Lôn Pont Morgan, Abersoch. The application was made in relation to the sale of alcohol, provision of late night refreshments and recorded

music, and all provided on and off 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. 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 that had been received during the consultation period. It was noted that several objections had been received from nearby residents and concerns had been submitted from Llanengan Community Council and the Local Member.

The objections referred to each of the licensing objectives. It was suggested that crime and disorder matters derived from anti-social behaviour; an increase in litter and noise as a result of the proposed hours; the premises was near a busy road, lack of pavement and the lack of parking disregarded public safety.

It was reported that no agreement had been reached between the applicant and the Public Protection Department, in terms of a compromise to reduce the external use hours of the premises regarding recorded music and alcohol provision, in line with other similar premises in the village. It was highlighted that the applicant had amended the application to address concerns regarding use of the external area of the premises for customers, with alcohol and recorded music up to 21:00 rather than 23:00. However, the Department continued to object the application on the grounds that this was a residential area and similar businesses with outdoor areas had limited their hours in other parts of the village.

It was recommended that the Committee refused the application in accordance with what had been highlighted in the consultation, and in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager
- The Police were invited to expand on the application
- Members of the Sub-committee were given an opportunity to ask questions of the Police
- The licence holder, or their representative, was invited to respond to the observations
- Consultees were given an opportunity to present their observations
- Members of the Sub-committee were given an opportunity to ask questions of the licence holder and consultees

b) Elaborating on the application, the applicant's representative noted:

- That the building had been used as a restaurant in the past - this was a licence application for a location that had been granted a licence in the past
- Planning permission was not required to place 4 - 5 tables outside
- That the Crwst restaurant next door had a licence and tables outside - the applicant wanted the same thing
- It was intended to close the external area at 21:00
- An intention to have background music playing only - no live music
- That an application for a licence to sell alcohol was for the business as a restaurant and not as a public house
- The restaurant would employ local people
- Parking problems were common in Abersoch
- They were ready to cooperate with the community and relevant officers

In response to a question, it was confirmed that there was an intention to place 4 - 5 picnic tables outside the premises

- c) The consultees in attendance took the opportunity to expand on the observations they had submitted by letter.

Margot Jones and Martin Turtle

- The location of the restaurant was directly underneath their home
- They were very concerned about the impact of noise pollution - this would interrupt their usual enjoyment of being at home and in their garden
- The intended location of the outside seating area caused a concern - a potential for noise in the evenings and the early hours
- Caused distress to their health - thinking about living above the development was unbearable
- A reference to the restaurant in a magazine referred to it as a location for 'Alfresco Dining area with fire pit', and proposed a different name to what was on the licence
- The proposal was an over development of the site
- They were local people who wanted peace and quiet - they did not want more noise interrupting their lives

Mike Parry (on behalf of Grahame and Les Oddy)

- The proposal undermined the four licensing objectives
- The public needed to be protected
- Objectors had clearly voiced and listed their reasons for refusal
- Extending the provision to the outskirts of the village would move the centre-point of the village and disrupt quieter areas of the village

Robert Kennedy

- There was no need for another restaurant in the village selling alcohol
- The size and proposal of the restaurant was unsuitable for the site
- The boundary of the premises was very close to residential homes
- Concern about noise pollution - the noise created a detrimental impact on the peace and quiet of sitting outside in the garden
- That opening hours until 21:00 were still late - a suggestion to shorten the opening hours to 18:00
- A suggestion to move the outside dining area to the front of the premises
- The proposal undermined the four licensing objectives
- It was likely that visitors would use the tables in the evenings to chat and drink after the closing times of local public houses - this would create additional noise problems
- Litter concerns

Einir Wyn (Community Council Clerk)

- Highlighted noise concerns
- Parking concerns - by using the parking area for dining, this would mean that scarce parking spaces would be lost
- No response had been received from the Council regarding the change of use
- There were 4 small tables placed outside the previous restaurant at the front of the building
- No objection to the restaurant - concerns about the sale of alcohol and late night music
- The four licensing objectives had to be considered

Wyn Williams

- That there were approximately 70 houses within a hundred yards of the site
- The area was historically recognised as a residential area
- An appeal for a nearby site licence had been refused as three of the licensing objectives had been undermined - did not want to return to a period of receiving complaints about crime and disorder, public safety and public nuisance
- That the provision extended outwards from the centre of the village
- That the tourism business was important and an increase had recently been seen in the number of families visiting the area - this was to be welcomed - families respected the environment and generated fewer complaints
- Needed to respect a residential area - this had to be considered
- There was a lack of respect for the Welsh language - why select the 'Black Sheep' name?
- In an emergency, how would the emergency services reach the Lifeboat site?
- The amendments did not respond to the concerns
- The site itself was dangerous - no pavement
- No double glazed windows in the building - noise pollution concerns
- Not enough police officers or security officers to keep an eye and keep order
- Encouraged the Sub-committee to accept the recommendation of the Licensing Officer

Mark McClure

- He lived near the site
- There had been improvements to the village but the proposed development would not be an improvement
- Since the nearby nightclub had closed, the area had quietened - noise pollution in the area would return with the development
- Why was an outside seating area required?
- The restaurant next door did not play music - therefore, why allow background music to affect the restaurant next door and neighbouring residents?
- The proposal was not suitable - no benefits
- Concern regarding the lack of parking spaces
- The proposal would cause a public nuisance to a residential area with many families
- A sufficient number of restaurants in the village - no need for more
- The property was on a dangerous site - people would gather on a busy road

Councillor Dewi Roberts (Local Member)

- An open discussion between the applicant and the officers would be beneficial
- Reiterated the concerns of neighbouring residents
- The site was unsuitable to sell alcohol - it was located on the outskirts of the village - a restaurant was acceptable but not a bar - this would encourage difficulties
- Disappointed that the Police had not highlighted traffic concerns
- No pavement - a dangerous location to cross the road
- The number of tables seemed excessive - 6 picnic tables would seat up to 24 individuals
- Suitability of the building needed to be questioned
- Supported the recommendation to refuse

Moira Duell Parry (Environmental Health Officer)

- The licensing objective of preventing public nuisance had been considered - the site was within a residential area - concerns had been highlighted about the external area

- Discussions had been held with the applicant - a request for more details in response to the concerns
- With Covid-19 restrictions, it had not been possible to visit the site and, therefore, no monitoring details had been implemented - a noise management plan would usually be identified as well as equipment suggestions and crowd control plan
- Voices would raise naturally with alcohol and likely to create disturbance
- Lack of clarification on the use of the development - this was likely to lead to complaints
- A request for the applicant to provide more evidence on how the proposal would be managed

Reference was made to the other observations received during the public consultation

ch) Taking advantage of the right to conclude their case, the applicant's representative noted the following points:

- They accepted the concerns of the neighbouring residents
- They were willing to consider a licence for inside the premises only
- Permission had not been granted for the contents of the magazine
- A 'bar and grill' was not the intention - it would be a café by day and a steakhouse by night
- Willing to consider closing at 18:00
- That the restaurant next door had an alcohol licence and picnic tables - why grant a licence to one and not the other?
- Covid-19 guidance allowed flexibility with outdoor dining
- That the applicant was a local person - already ran another restaurant in the village
- The Police had not stated any objections
- That compromising would be an option - possible to discuss the use of the external dining area
- There was an intention to close on Mondays and Tuesdays - the applicant had a young family and wanted to spend time with the family

The Licensing Manager reiterated that there were genuine concerns about the external use of the site.

d) 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

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

RESOLVED to approve the amended application.

The licence was given as follows:

1. Opening hours:

- **Sunday-Saturday 09:00-23:30**
 - **Final hour 00:30 on New Year's Eve**
 - **Outside seating area to close at 21:00 every day**
2. **Recorded music (indoors only):**
 - **Sunday-Saturday 09:00-23:00**
 - **Final hour 00:00 on New Year's Eve**
 3. **Supply of alcohol (to be consumed on and off the premises):**
 - **Sunday-Saturday 09:00-23:00**
 - **Final hour 00:00 on New Year's Eve**
 4. **Incorporate the matters prescribed in the Schedule of Actions (Section M) of the application as conditions on the licence.**

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations.

The Sub-committee disregarded observations that were submitted on the basis that they were not relevant to the licensing objectives, e.g. arguments that there was no need for a licensed premises for the hours requested or at all, or a lack of relevant planning permission. These matters are not premises licence application considerations.

Specific consideration was given to the following:

9 responses were received from members of the public and neighbouring residents objecting to the application, referring to the four licensing objectives. Concerns were expressed that granting the licence would likely lead to an increase in anti-social behaviour, litter, noise, public safety problems (lack of pavement and lack of parking spaces). These concerns were reiterated by the Local Member and the Community Council.

Also, observations were received from the Council's Public Protection Unit noting an attempt to find a compromise with the applicant to address concerns regarding use of the external area for customers. It was considered that these discussions had encouraged the applicant to submit an amended application to address concerns regarding use of the external area of the premises for customers, with alcohol and music up to 21:00 rather than 23:00. Since amending the application, the Unit continued to object to the application on the grounds that the site was located within a residential area and that similar businesses with outdoor areas had limited their hours in other parts of the village.

It was noted that the Police noted that they did not object to the application.

The Sub-committee highlighted that it accepted that concerns expressed regarding the application were genuine. However, the Sub-committee was of the opinion that insufficient evidence was submitted to prove that these problems were likely should the licence be granted, and that it would be contrary to the licensing objectives.

Concern was expressed that there would be an increase in anti-social behaviour. However, no evidence was submitted to support the allegation beyond general allegations about drinking that could be attributed to any licensed premises. No reasons or evidence why these specific premises were likely to cause anti-social behaviour problems were submitted. No consideration was given to the fact that the premises had operated as a licensed premises with different owners without specific problems in terms of anti-social

behaviour. It appeared that the observations were submitted on the grounds of speculation and not on evidence - this is not legal grounds for making a decision - according to the High Court in R (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin).

No objection was received from the Police: It was considered that if an increase in crime was likely, the Police would have highlighted this. Under the circumstances, the Sub-committee was not persuaded that granting the licence would undermine the objective of preventing crime and disorder.

In the context of litter and noise concerns, should the licence be granted, the observations were considered as common concerns based again on speculation without the submission of robust evidence. Consideration was not given to past use of the site as a licensed premises and the lack of history of litter and noise concerns associated with the site. As there was no evidence to support the allegations, there was no basis to accept that granting the licence would cause public nuisance problems.

When considering road safety concerns, lack of pavement for pedestrians and the lack of on-site parking spaces, the concerns were considered in the context of the licensing objective of public safety. However, neither the Highways Department nor the Police submitted observations on these matters. It was highlighted that it is unacceptable to accept that everyone would drive to the location, bearing in mind that it is within walking distance of a number of holiday sites in the village. As a result of lack of observations from experts in the field, the Sub-committee had was not persuaded that granting the licence was likely to undermine public safety.

The concerns submitted about child safety were also general concerns, based on speculation without robust evidence. Therefore, the Sub-committee was of the opinion that the application did not undermine the licensing objective of protecting children from harm.

The Sub-committee was astounded that some parties had recommended to refuse the application in its entirety. While everyone has the right to an opinion, the Sub-committee expected that official recommendations would be based on an accurate understanding of licensing rules - there is no rule that states that licensed premises cannot open in a residential area. An assessment of the evidence against the licensing objectives should be presented when making recommendations. The Sub-committee was also of the opinion that the recommendation to refuse the application was heavy-handed, which is contrary to the framework and 'light touch' spirit of the Licensing Act.

Under the circumstances, the Sub-committee was satisfied that the amended application is in accordance with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was 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 2:00pm and concluded at 3:50pm.