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## CENTRAL LICENSING SUB COMMITTEE 12/10/21

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**Present:**

**Councillors: Anwen Hughes (Chair), Angela Russell and Jason W Parry**

**Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)**

### **1. APOLOGIES**

Apologies were received from Councillor Elfed P Roberts (Local Member), Daniel Preston and Ian Page (respondents)

### **2. DECLARATION OF PERSONAL INTEREST**

None to note

### **3. URGENT ITEMS**

None to note

### **4. APPLICATION FOR PREMISES LICENCE – TRAWSFYNYDD HOLIDAY PARK CAFÉ AND BAR, BRONABER, TRAWSFYNYDD**

**Applicant**                      **Mr David Owen (on behalf of Pure Leisure Group)**

**Respondents**                **Michael Sawyer, David Meech, Ric Taylor, Kathryn Hawker, Jamie and Clare Kerrigan, Jane Dinnell and Rachel Jones**

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 a café and bar at Trawsfynydd Holiday Park – open floor plan with decking for sitting outside. It was highlighted that use of the café/bar would be for park users only. The application was made in relation to the sale of alcohol on and off the premises; playing recorded music on the premises and the provision of late night refreshment.

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 cabin owners in the Park that were relevant to the licensing objectives of noise causing public nuisance, and concerns of an increase in crime and disorder as a result of excessive drinking. It was highlighted that the observations of the Public Protection Department noted that the application was contrary to the conditions of planning permission NP5/78/519/A which set implications to the applicant.

It was noted that North Wales Police had no evidence to object to the application and it was recommended that the Committee should approve 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 licence holder 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:

- That the application was submitted in response to a number of requests by cabin users to develop a café and restaurant following the loss of Rhiw Goch.
- A planning application had been submitted to the Snowdonia National Park Authority
- An error had been made on the licence application form and it was proposed to revise the licence to correspond to the conditions of the planning permission – daily opening hours from 09:00 - 22:00
- Applications for special events would be made via a temporary events notice
- That the use of the café was for cabin owners and their guests and alcohol would be served with food.
- There was no intention for the premises to be a local public house.
- There was a request for recorded music only (mainly background music) within the building. Should the Sub-committee request that recorded music be exempt from the licence, the Pure Leisure Group was willing to agree to this.

The Senior Solicitor confirmed that the application had been amended to include opening hours from 9:00 - 22:00 in accordance with the planning permission. Alcohol would 'be available' between 9:00 and 22:00 and the intention was to give guests an opportunity to have a drink with lunch and/or dinner. There would be late night refreshments until 22:00 only.

Regarding the background music, the Licensing Manager noted there was no need to have a licence for this and it was highlighted that there were limited exceptions for live music within licensed hours. It was emphasised that there was a need to clearly state that the proposed hours corresponded to the planning

permission.

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

Michael Sawyer

- He agreed with the revised opening hours and the background music
- That the access to the premises needed to be at the front of the building – concern regarding children's safety due to a nearby dangerous bend.

David Meech

- He accepted that the opening hours had been revised
- Concern regarding signage – need to ensure that the signs are clear and evident.
- That the access to the premises needed to be at the front of the building
- The management of the site had been relaxed since the new owners had taken over – the park needed to be friendly with cabin owners.
- Concern about the increase in Airbnb use and groups using the cabins

Ric Taylor

- Happy with the revised hours
- Concern regarding controlling the use of the restaurant – how to identify the guests of cabin owners?
- Disappointment that the company had not consulted with cabin owners

Kathryn Hawker

- There were seats for 120 on the building's decking – lights for this would have an impact on the dark skies status.
- It was disappointing that the application had not been shared with cabin owners.
- The notice had not been seen and had been included in local papers only – not all cabin owners are local.
- Did recorded music include holding a disco?

Jamie and Clare Kerrigan

- Concern about the dark skies status – the location was a special site
- The entrance to the restaurant was in a dangerous place.
- Concern about food odours – their cabin was only feet away from the restaurant
- A flue has been added to the back of the building – concern about the additions to the original planning application.
- The park is a quiet place – they did not want to change this
- When the restaurant closes at 22:00 will the lights be switched off?

Jane Dinnell

- No further observations to what has already been noted

Rachel Jones

- No objection to the restaurant – the restaurant would be an asset for the park
- Happy with the decision to amend the hours in accordance with the planning permission
- Confirmation is needed of the 'building use', if alcohol will be served until 22:00 will this mean staying on later than 22:00 – clarity needed

- Suggestion to end serving food earlier so that the restaurant closes at 22:00
- Will be happier when the revised hours have been published

Cllr Elfed Roberts (Local Member) – observations submitted via email

- He apologised that he could not be present
- He had not received any complaints and no local person had submitted objections
- There was no resource in the park to relax – the Rhiw Goch resource was a loss
- Hours were reasonable
- That the restaurant considered the needs of the users

Taking advantage of the opportunity to conclude the case, the applicant noted the following points and also responded to the concerns highlighted by the responders.

- That the access to the side had been determined following specific advice from legislation in the Disability Discrimination Act (DDA)
- The restaurant was for residents and their guests only – staff knew the cabin owners quite well and understood who would be eligible. If a situation arises when there is a stranger present, he/she will be challenged. A proactive approach will be sought
- The notice had addressed the requirements – a notice had been posted on the building, in The Daily Post 26-8-21 and on the park f/b group page
- It was proposed to have background music inside the premises only
- Downlighting would be installed on the decking – this would require permission from planning officers
- Lights on the entrance would be installed under the canopy
- The flue for cooking odours was a matter that needed to be re-submitted to Snowdonia National Park's planning department
- The premises will close at 22:00
- Park owners will have to comply with the rules they themselves impose on cabin owners

The Licensing Manager highlighted that background music could include a disco

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

In reaching its decision, the Sub-committee considered the applicant's application form along with written comments submitted by interested parties, the Licensing Officer's report recommending the approval of the application and the oral comments from each party present at the hearing. 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.

The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives. All parties were thanked for making representations on the application. The Sub-committee gave appropriate consideration to all the observations

#### **RESOLVED**

- **To approve the revised application in accordance with the Snowdonia National Park Authority planning consent (number NP5/78/519/A – Public Protection observations) and the requirements of the Licensing Act 2003.**
- **Opening hours  
Sunday – Saturday: 09.00 – 22:00**
- **Supply of alcohol to be consumed on and off the premises  
Sunday – Saturday: 09:00 – 22:00**
- **Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**

#### Reasons:

23 objections have been received to the application from the owners of nearby cabins. Many referred to their concerns regarding the Snowdonia National Park planning permission, and it was noted that should the licence be approved in accordance with the application, this would be contrary to the requirements of the planning permission. Many respondents noted that the blue notice could not be seen clearly due to the structural development of the cabin, and that the development posed a risk to pedestrians and road users. It was added that the park was in an area with protected dark skies status, and several persons were concerned that noise and light nuisance affected the location; concern regarding the increase in litter; crime and disorder matters (local people mixing with visitors, people drinking excessively) and that the proposed hours were excessive. Many respondents proposed that it would be rational to reduce the licensing hours to 22:00 and that a non-standard closing time of 02:00 was unnecessary and unreasonable, due to the general nature of the area. Two responses had been received in support of the application.

It was highlighted that the Public Protection Service had noted that it should consider that the application is contrary to the planning permission, however should the applicant submit a new application to the Snowdonia National Park Authority, the service could provide observations on relevant matters at that time, therefore, there was no objection to the application in principle.

The Police had no evidence to object to the application.

In presenting observations, the applicant explained that the times on the

application were an error. The proposal was to comply with the times permitted in the planning permission (09:00 - 22:00) and therefore there was a proposal to amend the application to reflect this and also remove the element of special days. It was confirmed that it was only proposed to play background music and as it was not a licensed activity he was willing to omit this if the sub-committee wishes. In addition, it was confirmed that the proposal was to open to owners and their guests only, and there was no intention to open as a tavern for the public. It was confirmed that there was a discussion happening with the planning authority regarding the access and it would be adapted as appropriate to ensure safety. The 'dark skies' was also being addressed within the planning process.

It was noted that no evidence had been submitted of any problems in the past with the premises in terms of crime and disorder prevention and the Police had not submitted any observations. Therefore the Sub-committee had not been persuaded that granting the application would undermine the principle of crime and disorder prevention.

The Sub-committee recognised the concerns raised by the objectors, however, it was of the opinion that the revised opening hours were very reasonable with the suitable conditions proposed by the applicant. It was noted that no licence was required to play background music, namely the applicant's intention. In light of this and the lack of evidence of problems, the Sub-committee had not been persuaded that granting the application would undermine the principle of preventing public nuisance.

Consideration was also given to the concerns regarding the safety of the access and the Sub-committee was satisfied that the matter was receiving attention via the appropriate planning process and the applicant had confirmed that any appropriate amendments would be made. Therefore, the Sub-committee had not been persuaded that granting the application would undermine the objective of ensuring public safety.

No evidence had been submitted that was relevant to the objective of protecting children from harm.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. It was 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 14:00 and concluded at 15:10

The meeting commenced at 2.00 pm and concluded at 3.10 pm

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**CHAIRMAN**