



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 6TH DECEMBER, 2021

TO FOLLOW ON FROM THE GENERAL LICENSING COMMITTEE

Location

Virtual Meeting

Contact Point

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(DISTRIBUTED Friday, 26 November 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

The Chairman shall propose that the minutes of the meeting of this Committee, held on 13th September 2021 be accepted as a true record.

5. LICENSING SUB COMMITTEE MINUTES

5 - 22

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

- a) 12/10/21
- b) 11/08/21

Agenda Item 4

CENTRAL LICENSING COMMITTEE 13-09-21

Present:

Councillors: Annwen Hughes, John Brynmor Hughes, Elin W Jones, Gareth Morris Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Owen, Jason W Parry, Angela Russell, Elfed Williams and Gareth Williams

Officers:

Siôn Huws (Senior Solicitor - Corporate), Gareth Jones (Assistant Head of Environment Department) and Lowri Haf Evans (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillor Steve Collings and Councillor Roy Owen.

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 the meeting of the committee held on 7 June 2021 as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEE

Accepted, for information, the minutes of the Sub-committee meetings held on 6 July 2021, 16 June 2021, 7 June 2021 and 20 May 2021

The meeting commenced at 10.15am and concluded at 10.20am

CENTRAL LICENSING SUB-COMMITTEE 12-10-21

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

CENTRAL LICENSING SUB-COMMITTEE 11.08.2021

Present:

Councillors: Anwen Hughes (Chair), Gareth T Jones and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Lis Williams (North Wales Police)

2. DECLARATION OF PERSONAL INTEREST

Councillor Gruffydd Williams (Local Member) in relation to item 6 on the agenda, (Premises Licence Application - Siop Traeth Becws Islyn, Nefyn) as his daughter worked in the café.

The Member was of the opinion that it was a prejudicial interest, and therefore he did not attend the meeting.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - TALYBONT UCHAF FARM, TALYBONT, BANGOR

Applicant **Simon and Caroline Higham**

Local Member **Councillor Dafydd Meurig,**

Local residents **Liz Watkins, Meinir Jones, David Pritchard, Grace Crowe, Peter Green, Geraint Hughes and Jên Morris**

Apologies were received from Nigel Pegler, Haf Jones and Tina Moorcroft (local residents) and Aneurin Rhys (Development Control Officer - Planning Service)

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 converted grade II listed building to include a courtyard, party room and an indoor entertainment area. The application was made in relation to the sale

of alcohol on the premises only, 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.

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 that were relevant to the licensing objectives of noise causing public nuisance, and concerns of a significant increase in traffic on the road leading to the premises

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
- The 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 of the licensee
- Members of the Sub-committee were given an opportunity to ask questions of the consultees

Elaborating on the application, the applicants noted:

- The intention was to create a venue that would offer unique, quality and luxurious events with accommodation.
- That there was no such premises locally - it did not offer the same service as Hendre Hall.
- It would give business assurance to local companies e.g. cleaners, florists
- That two roads lead to the premises and it was proposed to direct traffic to use one specific road. This specific road was suitable with passing places and signage and directions would be shared with visitors to promote use
- They lived at the premises and had a young family - they did not want to encourage noise problems.
- They wanted to work jointly with the community
- They had invited nearby residents to attend a meeting to share information regarding the proposal, however, no one had turned up.

In response to a question regarding the frequency of having up to 150 people attending the site, it was noted that they did not know what the demand would be, however, they anticipated holding up to 15 weddings a year on a Friday or Saturday.

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

The Local Member: Councillor Dafydd Meurig

- There were strong local feelings against the application.

- Noise would disturb the everyday lives of local neighbours and additional traffic would cause problems - traffic to the premises had already increased since the establishment of the business to repair boat engines on the site
- There were two roads to the site and the most convenient/preferred route was very narrow
- It was necessary to check if there was planning permission for the activity - permission had already been granted for Bed and Breakfast but this was a significantly larger enterprise
- The company did not have any respect for local residents
- That noise already filtered from Hendre Hall that was situated on the far side of the A55 - this enterprise would create the same type of noise
- He appealed to the Sub-committee to defer making a decision until planning permission had been considered

Liz Watkin

- That she had seen a significant increase in traffic on the road since she had settled down in the area in 1992 - the road was very narrow with hidden bends / blind corners?
- Permitting the licence would lead to a further increase in traffic
- There was no pavement or street lighting along the road. The hedges were high
- No prior notice of the application had been shared and the proposed use had not been displayed in a public place
- The serving of alcohol late at night was likely to lead to accidents

Meinir Jones

- The application highlighted a total disrespect to the community - the majority of the nearby residents had objected
- The applicant's statement was incorrect - the road was not suitable. The road was a narrow country lane with one 'official' passing place - the rest were field entrances.
- Erecting signage would not alleviate the issue - the signs were not effective - the community's safety had to be considered
- There had been a significant increase in traffic due to recent developments - this caused a public nuisance
- Delivery lorries to the businesses blocked the road at times and damaged trees
- Unable to enjoy going for bicycle ride or walking with a pram due to traffic. Approving the licence for events on the weekend would make it impossible for someone to walk along the road at any time - day and night
- Business is the applicant's only priority - she begged the Sub-committee to prioritise community safety.

Dafydd Pritchard

- Noise already carried from Hendre Hall - permitting the licence would lead to creating more noise from the Talybont Farm site.
- The noise measurements submitted were misleading - it was necessary to measure the noise of people and not the noise made by nature and machinery.
- A notice had been posted at the last minute on a gate - this was very suspicious

Peter Green and Grace Crowe

- Permitting the licence would maximise traffic and noise
- Access to the premises was along a very narrow road
- They had lived in the area since 1999 - it was a quiet and tranquil area until the appearance of the boat repair business and the bed and breakfast business at Talybont Farm. A wedding venue would be a step too far
- Traffic passed their house - the preferred route was not practical - no passing places
- Current business traffic ignored the signs and guidelines to use the recommended road - they were unlikely to use the indirect route
- Allowing music outside would add to the music that already carries from Hendre Hall - repetitive bass beat - offering to make something soundproof was not totally possible
- That the noise measurement test conducted was not thorough enough - there was no consideration given to music and it had been conducted at a quiet time of the day.

Geraint Hughes

- The area was a lovely area - he accepted this and there was a need to 'celebrate this'
- This was a matter of opinion - he was disappointed with the Licensing Manager's recommendation. There was also a need to consider the evidence of residents
- It was only by chance that he had seen the notice posted on the gate of a private road - not in a public place
- The grounds for the refusal of the application would be an increase in noise and traffic - there was a need it was necessary to ignore the noise measurement report - it was not an independent report
- There will be a significant increase in traffic during the evenings and at the weekends (these are currently the only quiet times)
- It was likely that there would be more than 15 weddings a year
- The Highways Department had not objected a recent planning application for the boat business, however, promises were made at that time by the applicant to direct traffic - this had not happened
- Many drivers got lost when trying to reach the premises and therefore had to be re-directed. As a result, the entrance to his property was used for turning - this was a public nuisance
- Approving the application would change the area's character
- Residents needed justice

Jên Morris

A number of people had contacted the Community Council to highlight concerns:

- The impact of the latest proposal on them
- Did the proposal have appropriate planning permission?
- The nature of the traffic to the premises - delivery vans and lorries
- The nature of people coming into the area they behaved differently - a lack of respect for the countryside

Taking advantage of the right to summarise their case, the applicants noted the following points:

- That they accepted the observations and feedback of the residents and reiterated their wish to work jointly with the local community to alleviate traffic and nuisance problems
- They had created a Whatsapp group to share information and to direct traffic - this had reduced the problem, but they promised to do more
- The intention was to create an intimate and private venue
- They lived on the site and they would be present to manage the site at all times - they considered the well-being of their family and the community
- The noise measurement report submitted had been completed for the boat repair business - it was considered that the noise of a boat engine was a good comparison with the noise of a live band
- That they wanted to be part of the community and therefore respected every observation

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 the applicant's application form along with written comments submitted by interested parties, the Licensing Officer's report, and the oral comments from each party 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

RESOLVED

To defer the full determination of the application until the applicant has submitted and received planning permission for the proposed use of the premises as anticipated by the premises licence application. If, and when there is appropriate planning permission, this Sub-committee will reconvene to consider the application further, as well as reaching a full resolution

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

Specific consideration was given to the following.

Observations had been received from members of the public, many of them being neighbouring residents, objecting to the application referring to the licensing objectives of preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in noise and parking problems. 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.

When considering the observations, it emerged that there were some serious concerns regarding road safety. The concerns referred specifically to the fact that the road that leads to the premises is narrow, has limited passing places, has no pavement, has no street lighting and that it served other dwellings. It also emerged that the premises in question did not have appropriate planning permission for the proposed use of the premises.

The Sub-committee's wish was to ask the applicant to submit an application for appropriate planning permission and to consider the outcome of that process prior to determining an application for a premises licence. It was highlighted that the reason for this was that the planning process was a means to assess in detail the implications of road safety that would arise from the proposed use of the premises. Receiving a decision on road safety deriving from planning permission would assist the Sub-committee to come to a firm and evidence-based decision, that the application was in keeping with the licensing objective of ensuring public safety.

For these reasons, the Sub-committee was of the opinion that it would be premature to make a full decision on the application.

The Solicitor reported, as the Licensing Authority had not determined the application, there was no right to make an appeal to the Magistrates' Court.

APPLICATION FOR PREMISES LICENCE - SIOP TRAETH BECWS ISLYN, LÔN GAM, NEFYN

Applicant **Geraint Jones**

Local resident **David Robinson**

Apologies were received from Jane Spencer and Neil Cookson (local residents)

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 Siop Traeth Becws Islyn, Lôn Gam, Nefyn to sell local produce on the outskirts of the beach in Nefyn. The application was made in relation to playing recorded music on the premises and 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 that were relevant to the licensing objectives. Concerns were expressed regarding crime and disorder matters, litter on the beach and concerns about a substantial increase in traffic on the road and the lack of parking spaces.

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.

in elaborating on the application, the applicant noted:

- The proposal would support local businesses - selling local produce
- The proposal would create local employment

- He had run his bakery in Aberdaron for 10 years without any trouble
- That the sale of alcohol in supermarkets was acceptable
- Staff volunteered to collect litter from the beach - litter that did not come directly from the shop
- The shop contributed to the local economy
- The business was run responsibly and in an orderly manner

In response to a question regarding the need to sell alcohol from 8am, it was noted that from what was seen in Aberdaron, visitors tended to buy gifts of local produce before leaving the area.

The consultee in attendance took the opportunity to expand on the observations he had submitted by letter.

David Robinson

- He had concerns regarding the application - he lived 50m from the premises
- Concern regarding selling alcohol on the beach and safety matters
- That the benches that had been placed on the public road prevented traffic
- The benches created a bar environment
- The applicant used public bins for commercial waste - need to adhere to correct procedures
- Staff used disabled parking spaces
- No pavement on the road that leads to the café
- The licence was open to new problems
- That the produce was special - the sale of alcohol would not add to this - if something it would be detrimental to the area

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

- That the litter came from the beach and was therefore placed in public litter bins
- That there was a need to adhere to the requirements of the licence or it would be revoked
- That the issue around the benches and their location had been discussed with Gwynedd Council officers and their location was acceptable
- There were no traffic problems
- The intention was to raise standards and not to cause problems

The applicant, the local resident 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 written representations submitted by interested parties and the Licensing Officer's report together with verbal comments from each party 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

RESOLVED to approve the application

The licence was issued as follows:

1. Opening hours

Sunday - Saturday: 08:00 – 20:00

2. Recorded music indoors:

Sunday - Saturday: 08:00 – 20:00

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

Sunday - Saturday: 08:00 – 20:00

4. 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

Specific consideration was given to the following:

Observations had been received from members of the public (neighbouring residents) objecting to the application referring to the licensing objectives of preventing crime and disorder, preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in crime, litter on the beach, traffic and lack of parking spaces. 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 granting the licence would lead to an increase in crime with the application undermining the licensing objective of preventing crime and disorder. 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 on the grounds of speculation and not 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). It was also considered that no objections had been received from the Police. Although the absence of objections from the Police did not determine the matter, it was a relevant position. Should a problem with

crime be likely to arise, it was the responsibility of the Police to highlight this. Under the circumstances, the Sub-committee had not been persuaded that granting the licence would undermine the objective of preventing crime and disorder.

When considering concerns regarding litter, observations were received on the grounds of speculation rather than firm evidence and no observations had been received from the Public Protection Department. Under the circumstances, the Sub-committee had not been persuaded that a litter problem would arise as a result of granting the licence, not to mention one that would reach the threshold of causing a public nuisance.

In considering concerns about road safety, lack of parking spaces and increase in traffic, it was accepted that in principle these concerns could be relevant to the objective of protecting public safety. However, these concerns were based on the grounds of speculation rather than evidence and had not been supported by the Police, Fire and Rescue Service, Ambulance Service and the Council's Highways Service. If approving the application was likely to create an increase in traffic that would cause a risk to road safety, the Sub-committee would have expected that observations from the official agencies would highlight this. In light of the 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 application was in keeping 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 receives the letter (or a copy of the letter) confirming the decision.

5. APPLICATION FOR A PREMISES LICENCE – VAYNOL ARMS, PENTIR, BANGOR

Applicant **David Hughes**

Local Member **Councillor Menna Baines**

Officers: **Ffion Muscroft (Environmental Health Officer)**

Apologies were received from Dr Wyn James and Dr Caroline Lamers (local residents)

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 Vaynol Arms, Pentir, Bangor which was a public house and restaurant with an outdoor area at the back of the premises. The application was made in relation to playing recorded music on the premises, playing live music, late night refreshments and 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, that were relevant to the licensing objectives. Concerns were expressed regarding noise matters and an increase in traffic and parking matters and it was suggested that the hours for the sale of alcohol should be reduced until 23:00 during the week and Sundays, and until 00:00 on Fridays and Saturdays. Observations had been received from the Public Protection Department outlining concern regarding the hours to play live music outdoors. It was highlighted that the applicant had agreed to withdraw this and to request live and recorded music only for the indoors of the premises.

It was recommended that the Committee approved the application in accordance with the observations of Public Protection 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 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.

in elaborating on the application, the applicant noted:

- That the business had been using temporary events notices, however, by now he wanted to avoid using these
- That he was focusing on running a restaurant business rather than a public house
- The previous licence of the public house permitted opening up to 01:00 - there was no intention to open until 01:00 - staff wanted to go home
- Food service would end at 20:30
- That the hours were for occasional use such as staging weddings and/or promoting and supporting community events
- He had agreed to withdraw the playing of live music outdoors from the application
- He wanted to work jointly with the community

In response to a question regarding how the licence holder would alleviate community concerns, it was noted that the public house had been on the site for many years. It was added that new windows had been installed together with signage requesting visitors to respect neighbours and to be quiet when leaving the public house. He also noted that he had been using temporary notices for three weeks without causing any trouble.

The Licensing Manager confirmed that the applicant had removed the playing of music outdoors from the application and had agreed to the Public Protection conditions to control noise. She added that the requirements of the licence were lower than the previous licence.

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

Ffion Muscroft (Environmental Health Officer)

- Initial concerns regarding outdoor noise had by now been satisfied following a discussion with the applicant to amend the application.
- It was accepted that the applicant wanted to focus on running the restaurant
- A request for the applicant to consider the noise conditions

Local Member Councillor Menna Baines

- She welcomed the re-opening of the public house, however, there were concerns amongst the community regarding the opening hours, noise nuisance and an increase in traffic. She stressed that there was no wish to see the premises close following re-opening, however, the concerns had to be discussed
- Concern that late opening would be a regular feature - occasional events were accepted, however, was it possible to consider reducing the hours?

In response to a comment regarding the hours, the Licensing Manager noted that the application's hours were acceptable within a community area and the applicant had

sought hours that were more than the proposal because of the flexibility to make use of the 'occasional'

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

- The application hours were no later than the previous application
- He was willing to work with the Public Protection Department in the future
- He confirmed that he was willing to accept the noise conditions
- That he ran a small company that was trying to generate business - he had another two public houses in the area

The applicant, 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 the written representations submitted by interested parties and the Licensing Officer's report together with verbal comments from each party 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.i. Prevention of crime and disorder
- I.ii. Prevention of public nuisance
- I.iii. Ensuring public safety
- I.iv. Protection of children from harm

RESOLVED to approve the application

The licence was issued as follows:

- 1. Opening hours**
Sundays: 11:00 - 00:30
Friday - Saturday: 11:00 – 01:30
- 2. Live music indoors**
Sundays: 11:00 - 23:00
Friday - Saturday: 11:00 – 00:00
- 3. Recorded music indoors**
Sundays: 11:00 - 23:00
Friday - Saturday: 11:00 – 00:00
- 4. Late night refreshments**
Sunday - Saturday: 23:00 – 00:00
- 5. Supply of alcohol to be consumed on and off the premises**
Sundays: 11:00 - 00:00
Friday - Saturday: 11:00 – 01:00
- 6. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**
- 7. Incorporated as licence conditions the recommended noise control conditions as recommended by Public Protection.**

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

Specific consideration was given to the following.

Observations had been received from members of the public (neighbouring residents) objecting to the application referring to the licensing objectives of preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in noise and traffic in the area. Observations had been received from the Public Protection Department recommending conditions to control noise and it was confirmed that the applicant had agreed to remove the request to play live music outdoors.

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

Specific consideration was given to the following.

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 granting the licence would lead to an increase in noise problems and as a result would undermine the licensing objective of preventing public nuisance. 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. No evidence was submitted regarding the number, density, frequency of potential incidents of noise should the licence be granted and without this data it was impossible for the Sub-committee to come to a decision that the issues anticipated would be likely to reach the threshold of public nuisance considerations under law. It appeared that the observations had been submitted based on speculation and not 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). Consequently, the Sub-committee did not see any grounds for granting the licence for shorter hours (as requested by residents in their observations), than what was requested by the applicant.

The applicant confirmed that he had withdrawn his original application for a licence to play live music outdoors and that he was satisfied with the noise control conditions recommended by the Public Protection Department. Under the circumstances, the Sub-committee dealt with these matters as amendments to the application.

In considering concerns about road safety, lack of parking spaces and increase in traffic, it was accepted that in principle these concerns could be relevant to the objective of protecting public safety. However, these concerns were based on the grounds of speculation rather than evidence and had not been supported by the Police, Fire and Rescue Service, Ambulance Service and the Council's Highways Service. If approving the application was likely to create an increase in traffic that would cause a risk to road safety, the Sub-committee would have expected that observations from the official agencies would highlight this. In light of the 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 receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 14:00 and concluded at 18:00