



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**CENTRAL LICENSING COMMITTEE**

Date and Time

**MONDAY, 12TH JUNE, 2023**

**(TO FOLLOW ON FROM GENERAL LICENSING COMMITTEE)**

Location

**Virtual Meeting**

**NOTE**

**\* For public access to the meeting, please contact us\***

Contact Point

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(DISTRIBUTED Friday, 2 June 2023)

# **CENTRAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (10)**

#### Councillors

Annwen Hughes  
Linda Ann Jones  
Rheinallt Puw  
Elfed Williams  
Gwynfor Owen

Gareth Tudor Jones  
Edgar Wyn Owen  
Huw Rowlands  
Alan Jones Evans  
Arwyn Herald Roberts

### **Independent (5)**

#### Councillors

Eryl Jones-Williams  
Angela Russell  
Anwen J. Davies

Gareth Williams  
John Brynmor Hughes

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

**1. ELECT CHAIR**

To elect Chair for 2023 /24

**2. ELECT VICE CHAIR**

To elect Vice Chair for 2023 /24

**3. APOLOGIES**

To receive any apologies for absence.

**4. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

**5. URGENT ITEMS**

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

**6. MINUTES**

4

The Chairman shall propose that the minutes of the meeting of this Committee, held 24 October 2022 be signed as a true record.

**7. LICENSING SUB COMMITTEE MINUTES**

5 - 22

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

1. 21 April 2023
2. 10 February 2023
3. 23 January 2023
4. 23 November 2022

# Agenda Item 6

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## CENTRAL LICENSING COMMITTEE 24-10-22

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**Present:** Chair: Councillor Annwen Hughes  
Vice-chair Councillor Elfed Williams

**Councillors:** Anwen Davies, John Brynmor Hughes, Eryl Jones-Williams, Gareth Tudor Jones, Linda Ann Jones, Edgar Wyn Owen, Gwynfor Owen, Rheinallt Puw, Angela Russell and Gareth Williams

**Officers:**

Gareth Jones (Assistant Head of Planning and Environment) and Lowri Haf Evans (Democratic Services Officer)

**1. APOLOGIES**

Apologies were received from Councillors Arwyn Herald Roberts and Huw Rowlands

**2. DECLARATION OF PERSONAL INTEREST**

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

**3. URGENT ITEMS**

None to note.

**4. MINUTES OF THE PREVIOUS MEETING**

The Chair signed the minutes of a meeting of this Committee, that took place on 27<sup>h</sup> June 2022, as a true record

**5. LICENSING SUB-COMMITTEE MINUTES**

Accepted, for information, the minutes of the Central Licensing Sub Committees held on the 27<sup>th</sup> of June 2022 and the 29<sup>h</sup> of July 2022

The meeting commenced at 10.00am and concluded at 10.15am

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## CENTRAL LICENSING SUB-COMMITTEE 21-04-23

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**Present:**

**Councillors:** Annwen Hughes (Chair), Elfed Williams and Huw Rowlands

**Officers:** Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager), Nicola Williams (Licensing Officer - observing) and Lowri Haf Evans (Democracy Services Officer)

1. **APOLOGIES**

None to note

2. **DECLARATION OF PERSONAL INTEREST**

None to note

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR PREMISES LICENCE - Cariad Gelato Ltd, The Kiosk, High Street, Porthmadog, Gwynedd LL49 9LP**

**Others invited:**

- Elizabeth Shone – Cariad Gelato
- Olivia O'Neill - Cariad Gelato
- David W Lindsay – Cariad Gelato
- Cllr Gwilym Jones – Local Member
- Elizabeth Williams (Licensing Officer, North Wales Police)

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 an ice cream kiosk and some outside tables. It was explained that Cariad Gelato was a family-run business manufacturing and selling ice cream produced in accordance with the Italian method. The applicant was requesting permission for the sale of alcohol side by side with the core business, enabling customers to enjoy an alcoholic drink within a defined outdoor seating area; or to allow customers to buy alcohol for consumption off the premises.

Permission was requested to sell alcohol from 12 in the afternoon until 9 at night every day – with the premises open for the sale of ice cream between 10 and 21.00 every day.

Reference was made to the standard proposed hours for opening hours and the hours of alcohol sale 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 recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses received during the consultation period. It was noted that objections had been received to the application by the Local Member and the Community Council referring to concerns in relation to the Licensing Objectives of Public Safety and Protecting children from harm. It was highlighted that North Wales Police, following a meeting with the applicant, had no evidence to justify an objection to the application. They were satisfied that an assurance had been given that the ethos of the business would continue to focus on the production and sale of Italian ice cream to families, rather than the sale of alcohol.

A meeting was held with the applicant, the Police, and the Licensing Officer on 7 March 2023 to try and address the concerns of the Local Member and the Town Council. It was highlighted that the applicant was willing to compromise by agreeing,

- To the sale of alcohol after 17:30 only, as this was the period when trade to families and children came to an end
- Alcohol to be sold with deserts/ice cream only after 17:30
- No alcohol to be sold for consumption off the premises
- Alcohol to be served limited to the decking area directly in front of the Kiosk's serving counter only. No alcohol to be consumed at the tables on the pavement

The Licensing Department recommended to approve the application in accordance with the Licensing Act 2003, and the compromise agreement received from the applicant

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
  - At the Chair's discretion, the applicant or his representative may ask questions to the Council's representative.
  - The applicant and / or his representative were invited to expand on the application and to call witnesses
  - Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
  - At the Chair's discretion, the Council's representative may ask questions to the applicant or his representative.
  - Every Consultee was given an invitation to support any written observations.
  - The Council's representative and the applicant or his representative were given the opportunity to summarise their case.
- c) Elaborating on the application, the applicant's representative noted:
- That the details of the report were accurate
  - That two applications for a Temporary Event Notice (TENS) had been made for Mothering Sunday and the Easter Weekend where special events were held to celebrate. There were no problems and both events were successful
  - There was no intention to lose focus of the main aim of the business i.e. selling ice cream
  - That there was a wish to arrange special events offering puddings and pancakes
  - There was no intention to sell alcohol without food
  - That there was an intention to extend the working day - making use of nice summer evenings and to offer a glass of alcohol to adults whilst children enjoy ice cream

In response to a question regarding the type of alcohol that would be sold, it was noted that local beer Mŵs Piws would be sold as well as prosecco and cocktails. In response to a question regarding the opening times, it was noted that this would depend on the weather and how busy the town was.

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

**Cllr Gwilym Jones (Local Member)**

- That he was worried about normalising alcohol
- That he had considered the offers of compromise in detail
- That he was ready to retract his objection on condition that the situation was monitored by the Police and the Licensing Department

**Elizabeth Williams (North Wales Police)**

- A discussion was held with the applicant and that the applicant had responded to every concern raised

- d) In concluding the case, the applicant noted that there was no intention to disrupt the community - that any negative opinion or behaviour would affect the business. It was considered that the support of the local community was very important to the venture, and he didn't want to break that good relationship - he didn't want anything to affect the good name of the business that was already established locally.

The Licensing Manager added that she understood the concerns presented bearing in mind that children and families were central to the success of the business. Everyone was reminded that the Act allowed the licence to be reviewed if the applicant didn't adhere to their word. It was also confirmed that no problems had been received during the two TENS events.

- dd) The respondents 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. The Sub-committee considered all the observations and 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 objectives above.

**RESOLVED: Approve the licence as follows:**

1. **Opening hours**  
**Sunday - Saturday: 10:00 – 21:30**

2. **Alcohol to be consumed on the premises  
Sunday - Saturday: 17:30 – 21:00**
3. **Alcohol to be served with puddings and ice cream bought from the premises only**
4. **Alcohol to be sold in front of the shop only on the decking.**
5. **Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**

## **Reasons**

In the context of **preventing Crime and Disorder** no relevant evidence of problems was presented in relation to the premises. Although the Police had no evidence to justify objecting the application, discussions took place between the applicant and the Police and Licensing Officers to discuss concerns raised and as a result the applicant had adapted the application.

In the context of **Public Safety**, the local member had expressed concerns as there was an intention to licence an area outside the curtilage of the building that was close to a busy junction on the high street. As a result, the applicant had adapted the application to exempt this part of the property.

In the context of **preventing Public Nuisance**, no evidence associated with the property was presented

In the context of **Protecting children from harm**, the Local Member had expressed concerns that permitting the sale of alcohol would encourage and normalize alcohol drinking at a premises unsuitable for the purpose. Also, the premises was very close to a children's play park. The applicant had adapted the application in response to these concerns by limiting the sale of alcohol in terms of time, limiting it to the premises only, adapting the location and limiting it sale to only with puddings/ice cream.

On a general note, it was noted that the applicant had previously used Temporary Event Notices on two occasions and there was no evidence that these events had caused any problems from the point of view of licensing principles.

The Sub-committee was pleased to see cooperation from everyone in this case and that the applicant had considered the observations presented and that they were willing to compromise. 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 all 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 10.00am and concluded at 11.30 am.



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## CENTRAL LICENSING SUB-COMMITTEE 10-02-23

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**Present:**

**Councillors:** Anwen Hughes (Chair), Linda Ann Jones and Elfed Williams

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

**1. APOLOGIES**

Apologies were received from Mr Adrian Roberts (Local Resident)

**2. DECLARATION OF PERSONAL INTEREST**

None to note

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR A PREMISES LICENCE – Convenience Store, Brook House, High Street, Llanberis, LL55 4SU.**

**Others invited:**

- Mr Thavachsalvam (applicant)
- Mr Ian Rushton (applicant's representative)
- Elizabeth Williams (Licensing Officer, North Wales Police)
- Heather Jones (North Wales Fire and Rescue Service)
- Councillor Kim Jones (Local Member)
- Mr Dei Tomos (Llanberis Community Council Clerk)

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 a new business venture in a property that was currently empty. It was explained that the proposal was to improve the building for the purpose of a convenience store, selling a variety of goods including alcohol.

Reference was made to the standard proposed opening times to sell alcohol off the premises from 06:00 in the morning until 23:00 every day of the week; although an intention was noted as a non-standard time to sell alcohol from the shop from 06:00 to 2:00 the following day, every day from 1 April for 6 months of the year until 30 September. Reference was made to correspondence that had been received from the applicant's representative noting the intention to reduce the hours of selling alcohol from 06:00 to 23:00 (until 00:00 between 1 April and 30 September), which would address some of the concerns.

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

Attention was drawn to the responses received during the consultation period. It was noted that objections to the application had been received from a member of the public, the Community Council and the Local Member making reference to concerns in relation to the Licensing Objectives of preventing Crime and Disorder, Public Nuisance, Public Safety and Protecting children from harm. It was highlighted that North Wales Police questioned the significant extended hours for selling alcohol for half the year as non-standard hours on the application and the Fire Service noted that it wouldn't be possible to assess compliance with fire provision requirements as there was insufficient information on the ownership of the site.

Despite the offer from the applicant's representative to reduce the non-standard hours, it was recommended that the Committee request full clarity regarding the non-standard hours of the application, the observations of the Police and the requirements of the Licensing Act 2003.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
  - At the Chair's discretion, the applicant or his representative may ask questions to the Council's representative.
  - The applicant and / or his representative were invited to expand on the application and to call witnesses.
  - Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
  - At the Chair's discretion, the Council's representative may ask questions to the applicant or his representative.
  - Every Consultee was given an invitation to support any written observations.
  - The Council's representative and the applicant or his representative were given the opportunity to summarise their case.

In response to a question regarding the number of shops that sell alcohol until midnight in Gwynedd, the Licensing Manager noted that the hours vary across the County. It was highlighted that other shops in Llanberis sell alcohol until 23:00 and/or 00:00. In response to a supplementary question regarding the most common hours for starting to sell alcohol, it was noted that the Act had introduced a system to sell alcohol for 24hrs in some places, but in local communities it was suggested for the hours of sale of alcohol to be in keeping with the needs of the community. It was reiterated that 08:00 was the most common hour, but some opened at 07:00.

In response to a question in relation to evidence of concerns relating to late opening hours, the Police noted that there was no specific evidence to connect the (empty) property with crime and disorder in Llanberis despite the objectors noting that problems did exist.

- c) Elaborating on the application, the applicant's representative noted:
- That this was an opportunity to open a convenience store that would sell alcohol as part of the business

- That an application had been submitted for a long-term lease for the ground floor of the property - the applicant had moved to the area
- That the building was in a bad condition - the building would be renovated
- That the applicant had an experience of working in the field; a responsible person
- That there was a proposal to reduce the hours of alcohol sale to 06:00 - 23:00 without further non-standard hours
- That the applicant wanted to collaborate with the local community and overcome their concerns
- That the applicant agreed with the conditions of the licence
- Quality CCTV would be installed inside and outside the building; training would be offered to staff and the Challenge 25 policy would be implemented
- Once the lease had been agreed it would be possible to provide a fire assessment with the offer to meet the Fire Officer on the site
- That there was an intention to sell alcohol responsibly
- Evidence suggested that no crime and disorder problems were relevant to the property in question.

In response to a question regarding starting to sell alcohol at 06:00, the applicant's representative noted that these were the opening hours of the shop accepting that there was not a high demand for alcohol at this time. He reiterated that it would be possible to start selling alcohol at 07:00 or 08:00 if this would be more favourable. He made reference to the national guidelines that note the right to sell alcohol during the shop opening hours but was willing to consider starting to sell alcohol later if this was the Sub-committee's wish.

In response to a question regarding justifying selling alcohol late at night, the applicant's representative noted that the Act allowed flexibility and that the applicant was now proposing to sell alcohol until 23:00 throughout the year. In response to a supplementary question regarding the non-standard hours, it was confirmed that the applicant was removing the non-standard hours from the application, and the application was now requesting hours for the sale of alcohol from 06:00-23:00, 365 days a year.

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

**Heather Jones (North Wales Fire and Rescue Service)**

- That the property was empty and there was no historic information on the safety of the building
- That the Fire Service was not in a position to ensure that the public would be safe in the building
- The shop would only be a part of the building. The building was a multi-use building with an Airbnb on the second floor. With a lease, the responsible person needed to be established
- It was suggested that the Sub-committee refuse the application until a site visit had been arranged and the responsibilities of the shop and accommodation had been confirmed

In response to the observations, the applicant's representative noted that the requirements of the Fire Service differed from the licensing requirements. He confirmed that once the lease had been agreed, it would be possible to concentrate on the building by arranging for the Fire Service to visit the property. It was added that the applicant was a responsible person and that he would make sure that he would comply with the requirements of the Fire Service.

**Cllr Kim Jones (Local Member)**

- Thanked the applicant for re-considering the hours of sale for alcohol
- That the other two shops in the village start selling alcohol at 08:00
- That the property was located near the hotel for the homeless and vulnerable individuals - need to ensure that the shop doesn't have an influence on the situation which as a result would put additional pressure on the local surgery
- Happy with the compromise to start selling alcohol at 08:00 - not reasonable to open at 06:00. Welcoming the closing at 23:00

In response, the applicant's representative noted that the national guidelines allow for flexibility on the licence and although he wished to open at 06:00 to sell newspapers, there was no intention now to sell alcohol at this time. The applicant was a responsible person, willing to adapt the hours of the licence to comply with the opening hours of other local shops.

**Elizabeth Williams (North Wales Police)**

- The original hours were a cause for concern, but it was evident that the applicant was ready to adapt - this was good news.
- Had looked for evidence of cases of anti-social behaviour with relevance to the property. The property was closed and therefore it would be unfair to consider that anti-social behaviour was relevant to this specific property.

**Mr Dei Tomos (Llanberis Community Council Clerk)**

- The original hours of 06:00 - 02:00 were totally unreasonable
- Proposed hours of 08:00 - 23:00 to comply with other shops in the village
- The lack of records of misbehaviour maybe highlighted the lack of police officers in the area

In response to a question regarding adapting the building and that it would be unreasonable to ask the applicant to ensure that the accommodation on the second floor was safe, the Licensing Manager noted that there were no guidelines or rules for Airbnb accommodation and that the matter was not relevant to the licensing system. She added that the Fire Service would have enforcement powers in relation to safety issues.

Taking advantage of the right to summarise their case, the representative noted;

- That the applicant was intending to comply with all the requirements
- That they accepted that there was a need to work jointly with the Airbnb tenancy and the Fire Service to ensure the safety of the site
- That the applicant was significantly investing in the property - a new venture that would turn an eyesore in the village into a good business
- That the applicant had experience in the field and a personal licence
- That it was accepted the request that the shop stops the sale of alcohol at 23:00 and were more than happy to adjust the hours of starting to sell alcohol to 07:00 or 08:00
- Happy that the objectors were fairly satisfied with the situation - the applicant wanted to work with the local community.
- There was no evidence that anti-social problems were relevant to the present property - the new property would have CCTV inside and outside the shop
- That it was accepted that if anything went wrong, the arrangement would need to be reviewed

Taking advantage of the right to summarise their case, the Licensing Manager noted that she recommended that the Sub-committee consider the revised hours and the proposal to start selling alcohol later in the morning to comply with other local shops.

- d) All parties were thanked for making representations on the application.

The respondents 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. The Sub-committee gave appropriate consideration to all the observations and these 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 objectives above.

**RESOLVED: Approve the application in accordance with the requirements of the Licensing Act 2003.**

- 1. Opening hours: Sunday - Saturday: 06:00 – 23:00**
- 2. Supply of alcohol to be consumed off the premises: Sunday - Saturday: 08:00 – 23:00**
- 3. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**

**Note:**

**Ensure compliance with the requirements of the Fire Service before opening**

**Reasons**

In the context of **Prevention of crime and disorder** the Sub-committee noted and acknowledged the concerns expressed on anti-social behaviour. However, there was no evidence presented on problems that derive from the property nor to suggest that such problems would arise if the licence would be allowed. It was added that the evidence of the Police was always central when considering this aspect and they had confirmed that they did not have any evidence to object to the application and it would be unfair to consider events of anti-social behaviour as evidence against this property.

In the context of **Public Safety** no evidence was submitted that approving the licence would create such problems. Despite this, the Fire Service's observations were considered carefully, and their concerns were noted. It was explained that the applicant would be required to comply with specific and statutory requirements of the Fire Service before being allowed to open the business. Therefore, this was not a matter for the licensing system, but the Sub-committee would like to emphasise the importance of complying with such requirements.

In the context of **Prevention of public nuisance**, no evidence was presented that was associated with the premises, but the concerns expressed on the early opening hours in

the context of the nature of the nearby area, the opening times of nearby shops and the close proximity of the property to the hostel were considered. It was noted that the applicant was willing to modify the opening time and would accept 08:00 if the Sub-committee considered this appropriate. The Sub-committee was of the opinion that allowing the sale of alcohol from 08:00 onwards was appropriate and reasonable in the circumstances.

In the context of **Protection of children from harm** it was noted that measures listed in the Schedule of Actions addressed this principle.

The Sub-committee was pleased to see the cooperation from everyone in this case and that the applicant had considered the observations presented and that they were willing to compromise. 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 10.00 and concluded at 11.40

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## CENTRAL LICENSING SUB-COMMITTEE 23-01-23

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**Present:**

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

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

**1. APOLOGIES**

Apologies were received from Ms M A G Davies (Local Resident) and Mr Simon Bromley (North Wales Fire and Rescue Service)

**2. DECLARATION OF PERSONAL INTEREST**

None to note

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR A PREMISES LICENCE – Bona Pizza, 23 Holyhead Road, Bangor**

**Others invited:**

Mr Salim Hamdane (applicant)  
Ms Gilly Harradence (applicant's representative)  
Elizabeth Williams (Licensing Officer, North Wales Police)  
Cllr Huw Wyn Jones (Local Member)  
Cllr R Medwyn Hughes (Local Member)

The Chair welcomed everyone to the meeting.

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

The Licensing Manager highlighted that the Local Members had not presented any observations, however they were eager to address the Sub-committee should all the parties be in agreement.

In response, the applicant's representative noted that they agreed to an address from the Local Members, however they wanted to note that a specific timetable had been set to present observations.

The Licensing Manager's report was submitted giving details of the application for a premises licence for a hot food takeaway shop selling pizza, kebabs, burgers and chips; the application had been submitted in relation to late night refreshment on and off site.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended

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

Attention was drawn to the responses received during the consultation period. It was noted that objections had been received to the application from members of the public on the grounds of public nuisance, specifically the likely late-night noise from customers, as well as odour nuisance. It was also noted that a petition had been received referring to concerns in relation to the Licensing Objectives of Preventing Public Nuisance and Public Safety. It was highlighted that North Wales Police recommended that CCTV conditions should be included on the licence as well as ensuring that staff receive training in relation to all aspects of the Licensing Act. The Fire and Rescue Service did not object to the application.

It was recommended that the Committee should approve the application in accordance with Police observations and the requirements of the Licensing Act 2003.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
  - At the Chair's discretion, the applicant or his representative may ask questions to the Council's representative.
  - The applicant and / or his representative were invited to expand on the application and to call witnesses
  - Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
  - At the Chair's discretion, the Council's representative may ask questions to the applicant or his representative.
  - Every Consultee was given an invitation to support any written observations.
  - The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

In response to a question regarding the 'need' for the property to be open until 3:30am, the Licensing Manager noted that the Bangor Uchaf area was a late licensed area - this premises would correspond to the licensing hours of two other takeaway premises in the area.

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

- That she gave assurance that both applicants had extensive experience of working in the food industry (period of 25 years)
- The proposed opening hours were in-keeping with the hours of the other two premises in the same area together with a 24-hour convenience store
- An additional half hour was required on Monday and Wednesday evenings as these were the main student nights out and they wished to take advantage of this
- Albert Street was some distance from the premises and therefore it would not have a direct impact from noise and food odours
- The reference to glasses on the pavement was misleading - glass would not be used by the applicants - only drink cans
- The applicants were eco-friendly - they would avoid using polystyrene trays
- There would be no increase in noise - the noise would be dispersed from the existing shops - namely, no additional noise

**Cllr Huw Wyn Jones (Local Member)**

- That opening until 3:30am was unreasonable, especially on a Monday evening



- Bangor Uchaf tended to close down at around 1:00am and therefore why did this premises need to be open much later?
- Concern that it may create a 'new market' with people travelling from afar to get food in the early hours of the morning.
- Concern about the increase in parking and noise
- Albert Street backed onto the premises

### **Cllr Medwyn Hughes**

- He accepted that noise would be dispersed, however this would not make the area less quiet
- Although measures had been included for exclusions, how will these be monitored? Are the Police monitoring the situation?
- There was a need to consider the impact of public nuisance, noise, litter and odours on local residents

### **Elizabeth Williams (North Wales Police)**

- Discussions had been held with the applicant who had agreed to install CCTV
- There were no complaints from the site or evidence to object the application

In response to a question from one of the Sub-committee Members regarding any history of trouble in Bangor Uchaf after midnight, it was noted that not many complaints had been received. With public houses closing at 1:00am no complaints had been received about the eating places or of crime and disorder.

Taking advantage of the right to summarise their case, the Licensing Manager noted:

- That the application was for a late-night refreshment licence and similar businesses in the area had already received a late-night refreshment licence
- It was accepted that there was a potential of creating a noise nuisance however, conditions had been imposed
- The operating schedule promised that the applicant would adhere to the conditions, however any party could submit an application to review the licence if any issues arose from the premises
- The Licensing Unit had no specific evidence from the premises to suggest that the application undermined the licensing objectives

Taking advantage of the right to summarise their case, the applicant's representative noted, that they were experienced persons and familiar with working in Bangor Uchaf. It was added that they ran an effective business and were willing to adhere to conditions; they were eco-friendly and they did not want to create ill-feeling.

- c) All parties were thanked for making representations on the application.

The respondents 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. The Sub-committee gave appropriate consideration to all the observations and 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.

Observations that were irrelevant to the above objectives were disregarded.

**RESOLVED to approve the application.**

The licence was given as follows:

**Opening hours**

<b>Sunday</b>	<b>16:00 - 02:30</b>
<b>Monday</b>	<b>16:00 - 03:00</b>
<b>Tuesday</b>	<b>16:00 - 02:30</b>
<b>Wednesday</b>	<b>16:00 - 03:00</b>
<b>Thursday</b>	<b>16:00 - 02:30</b>
<b>Friday</b>	<b>16:00 - 03:30</b>
<b>Saturday</b>	<b>16:00 - 03:30</b>

**Late night refreshment: On and Off the Premises**

<b>Sunday</b>	<b>16:00 - 02:30</b>
<b>Monday</b>	<b>16:00 - 03:00</b>
<b>Tuesday</b>	<b>16:00 - 02:30</b>
<b>Wednesday</b>	<b>16:00 - 03:00</b>
<b>Thursday</b>	<b>16:00 - 02:30</b>
<b>Friday</b>	<b>16:00 - 03:30</b>
<b>Saturday</b>	<b>16:00 - 03:30</b>

**Incorporate the matters prescribed in the Schedule of Actions (Section M) of the application as conditions on the licence.**

**That the conditions recommended by the Police should be incorporated as conditions on the licence.**

**Reasons**

In the context of **Crime and Disorder**, no relevant evidence was presented in relation to the premises. Observations had been submitted by the Police recommending conditions, and the applicant confirmed that he was happy for these to be included as conditions on the licence. The Sub-committee emphasised the importance of adhering to the Police conditions and the need to retain CCTV recordings for at least a month.

In the context of **Prevention of public nuisance**, the Sub-committee noted and acknowledged the concerns submitted in the written observations and expressed at the hearing. However, the purpose of the application was to bring the opening times of the premises in line with the opening hours of similar premises (although there was a little variation in relation to Monday and Wednesday evenings, in the opinion of the Sub-committee this was not significant). No evidence was submitted that problems arose from the premises nor was there evidence to suggest that approving the application would lead to such problems. As noted during the hearing, should any issues arise, legislation would permit making an application to review the licence.

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 14:55

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## CENTRAL LICENSING SUB-COMMITTEE 23-11-22

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**Present:**

**Councillors:** Annwen Hughes (Chair), Rheinallt Puw and Arwyn Herald Roberts

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

1. **APOLOGIES**

Apologies were received from Councillor Menna Baines (Local Member)

2. **DECLARATION OF PERSONAL INTEREST**

None to note

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR A PREMISES LICENCE – ELEVENSES DISTILLERY**

**Others invited:**

Mr Jake Davies (applicant)

Mr Simon Bromley (North Wales Fire and Rescue Service)

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 Elevenes Distillery Ltd, Vaynol Hall, Vaynol Park, Gwynedd for a small family distillery. The application was made in relation to playing live music 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 no objection had been received to the application but that North Wales Police and the Public Protection Service (Cyngor Gwynedd) had recommended conditions / observations. North Wales Police recommended to include CCTV conditions on the licence as well as ensuring that staff received training in relation to all aspects of the Licensing Act. The Public Protection Service highlighted the concern regarding lack of information on holding events and on prevention of public nuisance plans.

It was confirmed that the applicant had noted a limit of 5 events a year

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 he was happy with the Police's conditions and that some were already operational
- That he accepted the Environment Department's observations
- That there was an intention to hold an opening evening in April 2023 - the evening would be invite-only for people over 18 (mainly family and friends)
- Porta-loos would be provided for the event
- With the collaboration of the owner of the Vaynol, it would be possible to provide sufficient parking spaces for the events

In response to an observation regarding if the licence was allowed there would be opportunity to hold more than one event and therefore specific arrangement were needed, the applicant confirmed that there would be specific arrangements for visitors - toilets and sufficient parking spaces.

The Licensing Manager added that there had been clear correspondence with the applicant during the process of presenting the application and that the application was formal. There would be the right to hold up to 5 events a year in an 'events' building next door to the distillery.

The applicant, the respondents 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.

All parties were thanked for making representations on the application. The Sub-committee gave due consideration to all the representations.

**RESOLVED**

- **To approve the amended application**
- **Incorporate the matters prescribed in the Schedule of Actions (Section M) of the application as conditions on the licence**
- **Incorporated as licence conditions the recommended CCTV conditions as recommended by North Wales Police**

Reasons

Specific consideration was given to the observations received from North Wales Police and the Public Protection Service. They were satisfied that the applicant had accepted the instruction and advice from both establishments and had responded and operated in accordance with the recommendations presented.

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 14:45 and concluded at 15:10