



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 25TH SEPTEMBER, 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, 15 September 2023)

CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Annwen Hughes
Linda Ann Jones
Huw Rowlands
Alan Jones Evans
Arwyn Herald Roberts

Gareth Tudor Jones
Edgar Wyn Owen
Elfed Williams
Gwynfor Owen
Vacant Seat - Plaid Cymru

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. 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 12th June 2023 be signed as a true record.

5. CENTRAL LICENSING SUB COMMITTEE MINUTES

5 - 24

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

- a) 26 May 2023
- b) 12 June 2023
- c) 14 July 2023

Agenda Item 4

CENTRAL LICENSING COMMITTEE, 12-06-2023

Present:

Councillors: Annwen Hughes, John Brynmor Hughes, Eryl Jones-Williams, Gareth Tudor Jones, Linda Ann Jones, Edgar Wyn Owen, Rheinallt Puw, Huw Rowlands, Elfed Williams, Gwynfor Owen, Arwyn Herald Roberts and Gareth Williams

Officers: Sion Huws (Solicitor - Legal Services), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. ELECTION OF CHAIR FOR 2023/24

RESOLVED TO ELECT COUNCILLOR ELFED WILLIAMS AS CHAIR FOR 2023/24

2. ELECTION OF VICE-CHAIR FOR 2023/24

RESOLVED TO RE-ELECT COUNCILLOR GWYNFOR OWEN AS VICE-CHAIR FOR 2023/24

3. APOLOGIES

Apologies were received from Councillors Anwen Davies, Alan Jones Evans, Angela Russell

4. DECLARATION OF PERSONAL INTEREST

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

URGENT ITEMS

None to note

5. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this committee, that took place on 22 October 2022, as a true record

6. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted and accepted for information, the minutes of the Central Licensing Sub-committee held on 21 April 2023, 10 February 2023, 23 January 2023, and 23 November 2022 as a true record.

The meeting commenced at 10:45am and concluded at 10:50pm.

CENTRAL LICENSING SUB-COMMITTEE 26 May 2023

Present:

Councillors: Annwen Hughes (Chair), John Brynmor Hughes and Arwyn Herald Roberts

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

1. APOLOGIES

Apologies were received from Sonja Rochelle, Nerys Williams, and Robert Cordingley (Local residents – Bryn Teg)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY THE PREMISES LICENCE OF BRYNTEG HOLIDAY PARK, LLANRUG, GWYNEDD

Others invited:

Elizabeth Williams (Licensing Officer, North Wales Police)
Mr Jonathan Smith (Park Holidays UK Representative)
Mr John Flack (Head of Entertainment, Park Holidays UK)
Mr Gavin Cox (Bryn Teg General Manager)
Councillor Berwyn Parry Jones (Local Member)
Fiona Zinovieff (Local resident)
Ffion Muscroft (Public Protection Officer)

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager providing details of an application to vary a premises licence, made by Park Holidays Ltd, in relation to seeking the right to make amendments to the location plan of the licensed bar area of y Lolfa and the dining area. In addition, they had requested the right to add the licensed activities of Plays, Boxing and Wrestling, and indoor dance performances on Monday to Sunday 09:00 in the morning until midnight.

It was confirmed that every part of the outlined plan for the licensed area would remain unchanged, and that the licensed activities and hours on the current licence would remain the same. They had requested the right to change a condition on the licence in order to comply with the changes to the outlined plans. The applicant did not propose any additional measures to those included on the operating schedule of the current licence, in order to promote the licensing objectives. There was no change to the hours of licensable

activities, nor to the conditions in the operating schedule.

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.

Attention was drawn to the responses received during the consultation period. It was noted that objections to the application had been received from several nearby residents, the Community Council and the Local Member who referred to concerns in relation to the Licensing Objectives of Public Nuisance (continued and increased noise disruption, mainly) and Public Safety. It was highlighted that the Public Protection Department had confirmed that complaints had been received. North Wales Police had no objection to the application.

The Licensing Authority recommended refusing the application based on the evidence presented; unless the applicant could propose noise control measures in the operating schedule, and restrict regulated and licensable activities entertainment to indoors only.

Since publishing the report, the applicant had proposed conditions and had also provided the case study *Taylor v Manchester City Council*, indicating the solicitors' wish to make the point on the applicant's behalf that the Licensing Authority should be considering the matters that were the subject of the variation rather than conditions / and licensable activities that were already included on the licence. The proposed conditions were as follows:

- Wrestling and boxing as licensable activities shall be removed from the application.
- Live music and recorded music shall be played indoors only.
- No waste or recyclable materials, including bottles, shall be moved, removed or placed in any outside area between 23:00 and 08:00 the following day. [To replace the current condition under 'Public Nuisance']
- All windows and doors (including bi-folding doors) shall be kept shut after 23:00 when Regulated Entertainment is taking place, except for the immediate entry and exit of persons.
- A phone number shall be made available during the provision of Regulated Entertainment for those people who had made representations against the variation of the Premises Licence.

It was highlighted that the applicant's solicitors had sent in a draft of the application before submitting it to the Environmental Protection Officer, because of a history of noise complaints. It was agreed with the Officer that there would be no Environmental Health objection to the variation application should the applicant be willing to remove the right to hold regulated entertainment outside the premises from the licence. When the application was submitted, it did not include the agreed variation to restrict entertainment to indoors only because of the history of noise complaints. This was therefore the basis for the recommendation in the report.

Based on the new conditions proposed, the Licensing Authority recommended approving the application.

- 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 were invited to 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 was invited to ask questions to the applicant or his representative.
- Every Consultee was invited to support any written representations.
- 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 as follows:

- The application was to include the showing of films
- The holiday park had been bought by Park Holidays Ltd in July 2022, therefore many of the complaints referred to were historical complaints.
- A site manager had been appointed and his phone number would be available
- Work had been undertaken to alter the floor plan of the licensed area
- There was no application to extend the hours of the sale of alcohol
- The conditions proposed would serve to alleviate concerns

In response to a question regarding closing the windows to suppress noise and whether this was part of the existing licence, the applicant's representative stated that it was not included on the licence but was part of good practice for the future.

In response to a question regarding admission times for the public, the applicant's representative stated that the holiday park was open to caravan owners and their guests. He added that the sale of alcohol would stop at 2am and that they were not applying to change this.

The Solicitor stressed that the conditions on the current licence could not be discussed, and that only the variation was being examined

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

Cllr Berwyn Parry Jones (Local Member)

- He welcomed the proposed conditions – this was a U-turn
- He hoped the company would keep to their word – he had not seen a change in the past – reassurance was needed
- The floor plan required updating to specify the alterations
- Since the bi-folding doors had been installed, this had led to the noisiest night yet – the coronation ceremony
- He had doubts about the practicality of shutting doors and windows, but understood that there was an air conditioning system in place
- He accepted that the Park had new owners, but it appeared that greater consideration was being given to the amenities of the Park's residents rather than those of local residents (who were to a degree closer to the noise than the caravan owners were)
- The noise suppression proposals had been submitted hastily and there was no certainty that this would be successful – he suggested deferring the decision on the application until a revised scheme had been submitted and the Park managers had made the effort to put effective noise control and suppression measures in place.

Fiona Zinovieff

- There was more noise as a result of installing the new bi-folding doors

- There were no complaints in 2022 because there was no entertainment being held
- The noise on the night of the coronation had been unbearable
- The noise carried to neighbouring houses
- The renovations had meant that the entertainment area now backed onto the nearby dwellings – there were only open doors on the boundary
- Promises had been made in the past, but they had not been fulfilled

Elizabeth Williams (North Wales Police)

- Noise complaints were a matter for the Public Protection Department

In response to a question regarding the number of complaints that had been received, she noted that complaints had been made to the Public Protection Department on the night of celebrating the coronation, and in response there was now strict control of keeping the bi-folding doors shut during licensable activities.

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

- The company had 64 sites, therefore it was not a small company
- Safety conditions had been proposed
- The floor plan had been revised
- A phone number would be available for local residents
- There were no additional hours proposed in the application
- They hoped to improve the situation and that the licence would not need reviewing

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

- The proposed conditions submitted had changed the recommendation
- Should the Sub-committee decide to approve the application and accept the conditions, the wording of the conditions would need to be clear in terms of explaining their operation and enforcement – the Sub-committee had effective conditioning powers

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 observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations and weighed these 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 if they were irrelevant to the above objectives.

RESOLVED: To approve the application in accordance with the requirements of the Licensing Act 2003.

The current licence shall be varied as follows:

The plan submitted with the application to be revised as a result of the fact that licensable activities shall take place indoors only.

To add the following activities to the licence:

Dramas: Indoors

Sunday	09:00 -	24:00
Monday	09:00 -	24:00
Tuesday	09:00 -	24:00
Wednesday	09:00 -	24:00
Thursday	09:00 -	24:00
Friday	09:00 -	24:00
Saturday	09:00 -	24:00

Films: Indoors

Sunday	09:00 -	24:00
Monday	09:00 -	24:00
Tuesday	09:00 -	24:00
Wednesday	09:00 -	24:00
Thursday	09:00 -	24:00
Friday	09:00 -	24:00
Saturday	09:00 -	24:00

Indoor Sporting events:

Sunday	09:00 -	24:00
Monday	09:00 -	24:00
Tuesday	09:00 -	24:00
Wednesday	09:00 -	24:00
Thursday	09:00 -	24:00
Friday	09:00 -	24:00
Saturday	09:00 -	24:00

Dance Performances: Indoors

Sunday	09:00 -	24:00
Monday	09:00 -	24:00
Tuesday	09:00 -	24:00
Wednesday	09:00 -	24:00
Thursday	09:00 -	24:00
Friday	09:00 -	24:00
Saturday	09:00 -	24:00

Live Music – This activity to be restricted to being held indoors only from now on

Recorded Music – This activity to be restricted to being held indoors only from now on

To vary the current conditions as stated in the application, but further revised to account for the fact that the licensable activities have now been restricted to being held indoors only, and that the plan has subsequently been revised as noted above.

To add the following conditions to the licence:

No waste or recyclable materials, including bottles, shall be moved, removed or placed in any outside area between 23:00 and 08:00 the following day. [To replace the current condition under 'Public Nuisance']

All windows and doors (including, to avoid any misunderstanding, the bi-folding doors) shall be kept shut after 23:00 when Regulated Entertainment is taking place, except for the immediate entry and exit of persons.

A phone number shall be made available during the provision of Regulated Entertainment for those people who had made representations against the variation of the Premises Licence to be considered in a hearing on 26 May 2023.

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objections to the application, and no evidence had been submitted which related to this principle.

In the context of **Public Safety** one respondent believed the bar area was very small for the number of intended customers, but capacity was a matter for the fire risk assessment rather than the licensing system. Many respondents had noted that the road towards the entrance of Bryn Teg was narrow, busy and dangerous, but there was no evidence to suggest that the application should be refused on this basis.

In the context of **Preventing public nuisance**, people's experience of disruption because of noise carrying from the holiday park over the years were noted, with several residents stating that the noise had been bad enough and happening regularly enough that they had complained repeatedly to the local member, to the Council and directly to the former managers of Bryn Teg.

It was noted from some of the responses that there had been instances where doors and windows had not been shut during entertainment inside the building; as a result, noise could be heard loudly and clearly in dwellings outside the park.

Several respondents noted that glass bottles were being emptied into recycling containers outside late at night after licensable activities had ended. This was despite the fact that there was a condition on the premises' current operating schedule specifying that this was not to happen.

Officers had confirmed that noise complaints had been received from local residents regarding licensable activities at the Holiday Park, and that there had been attempts to get the Park managers to suppress the noise.

Nevertheless, it was noted despite this that the Environmental Health Service had not made representation based on an understanding that the applicant's intention was to restrict the current licensable activities to being held indoors only, and that the application had now been revised to address the Authority's concerns.

Specific conditions had been proposed to address noise, and officers explained that closing doors and windows was a very effective method of controlling noise. It was also noted that an air-conditioning system had now been installed so that it would not be necessary to open the windows when it was hot.

It was noted that the problems had arisen during the time of former owners and managers, although there had been one recent case where a window was left open, but a new, specific condition would address this.

On a more general note, it should be noted that the sub-committee could only consider the specific variation that was the subject of the application. Should problems arise with

the running of the premises from a licensing perspective, then the legislation provided a review procedure where the authority could be requested to review any aspect of the licence if needed.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

The Sub-committee was pleased to note that the applicant had considered the representations made and had been willing to compromise by revising the application and offering to reduce the activities that were already on the licence. In these circumstances the Sub-committee was satisfied that the application as revised was in accordance with the four licensing objectives, therefore the application was approved

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. 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 TO VARY THE PREMISES LICENCE OF NEW HORIZONS, SUNNYSANDS PARK, TAL Y BONT, GWYNEDD

Others invited:

Elizabeth Williams (Licensing Officer, North Wales Police)
Ryan Rothwell (Applicant's representative)
Cllr Eryl Jones-Williams (Local Member)

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of an application for a premises licence variation by New Horizons company, in relation to extending the hours of the Sale of Alcohol, and hours of Live and Recorded Music. It was highlighted that the existing licence permitted Licensable Activities until 11pm Saturday and Sunday, and that the applicant proposed revised conditions to extend from 11pm to 2am. The live and recorded music would only take place indoors.

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.

Attention was drawn to the responses received during the consultation period. It was noted that an objection to the application had been made by a neighbouring resident who was concerned about increased noise from the site and that extending the hours would change the family feel of the park. North Wales Police had submitted observations which recommended conditions around CCTV, the Challenge 25 Policy, and no children to be allowed on the premises after 23:00.

It was noted that the Police had visited the site and the applicant had confirmed via e-mail that all the recommendations by the Police would be included in the new licence's operating schedule should the Sub-committee approve the application.

The Licensing Authority recommended approving the application in accordance with the Police's observations and the requirements of the Licensing Act 2003.

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 were invited to 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 was invited to ask questions to the applicant or his representative.
- Every Consultee was invited to support any written representations.
- The Council's representative and the applicant or his representative were given the opportunity to summarise their case.

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

- The Holiday Park had cooperated with the Police
- Only one objection had been received
- Owners wore a wristband for entry
- Door supervisors stayed until everything had shut

c) The consultees in attendance took the opportunity to expand on representations they had made by letter.

Cllr Eryl Jones-Williams (Local Member)

- He was concerned that the premises would be open to the public
- There was a need to ensure that door supervisors were available, and that there were security measures in place

Elizabeth Williams (North Wales Police)

- There was an agreement to extend the hours for admitting children onto the premises from 23:00 to 23:30
- The Police had been called to the Park to deal with domestic cases and not matters relating to the licensed premises

In response to a question as to whether the call-outs involved alcohol, she noted that alcohol had been a factor in many of the incidents, but they could not distinguish between cases of drinking on the premises and drinking in caravans. She added, with the aim of extending the hours of sale of alcohol until 2:00, that the premises had measures in place to manage this, unlike managing drinking in private in a caravan.

ch) 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 together with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave

due consideration to all the representations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

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

The Sub-committee disregarded observations that had been submitted if they were irrelevant to the above objectives.

RESOLVED: To approve the application in accordance with the Police's observations, and the requirements of the Licensing Act 2003.

The current licence was be varied as follows:

Live Music – Indoors

Sunday	12:00 - 24:00
Monday/	12:00 - 24:00
Tuesday	12:00 - 24:00
Wednesday	12:00 - 24:00
Thursday	12:00 - 24:00
Friday	12:00 - 24:00
Saturday	12:00 - 24:00

Recorded Music – Indoors

Sunday	12:00 - 02:00
Monday	12:00 - 02:00
Tuesday	12:00 - 02:00
Wednesday	12:00 - 02:00
Thursday	12:00 - 02:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00

Indoor Dance Performances

Sunday	17:00 - 23:00
Monday	17:00 - 23:00
Tuesday	17:00 - 23:00
Wednesday	17:00 - 23:00
Thursday	17:00 - 23:00
Friday	17:00 - 23:00
Saturday	17:00 - 23:00

Supply of Alcohol on the Premises

Sunday	11:00 - 02:00
Monday	11:00 - 02:00
Tuesday	11:00 - 02:00
Wednesday	11:00 - 02:00
Thursday	11:00 - 02:00
Friday	11:00 - 02:00
Saturday	11:00 - 02:00

To include the additional measures, as seen in Section M of the application, as conditions on the licence.

To incorporate the conditions proposed by the Police, except that the condition that prohibits children from attending the licensed premises is changed to 23:30

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder**, the Police had no evidence to object to the application. Any incidents that the Police had been called to were usually matters in the caravan themselves rather than a consequence of licensable activities on the premises. The Police had met with the Site's General Manager to discuss recommendations for inclusion as conditions, and the applicant had agreed to include them on the licence, but that the condition relating to the admission of children should be change to 23:30 since the entertainment did not finish until 23:00. The police representative confirmed that this was acceptable.

In the context of **Public Safety**, no evidence had been submitted relating to this principle.

In the context of **Preventing public nuisance**, a letter of objection had been received from one neighbouring resident who was concerned that noise from the site would increase as a result of drunk and rowdy customers leaving the site late at night. However, the Sub-committee was satisfied that the conditions on the licence, particularly the fact that only residents would be allowed to attend the premises, were adequate to address these concerns.

In the context of **Protecting Children from Harm**, a condition would be added to the licence prohibiting children from attending the licensed premises after 23:30.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. 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 10.00 and concluded at 12.25.

CENTRAL LICENSING SUB-COMMITTEE 12 June 2023

Present:

Councillors: Annwen Hughes (Chair), Linda Ann Jones and Gwynfor Owen

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) 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 OF Bangor Grill, 212 High Street, Bangor**

Others invited:

Gilly Harradence - Applicant's representative
M Muharam - Applicant
Elizabeth Williams (Licensing Officer, North Wales Police)
Ffion Muscroft (Public Protection Officer)

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 by Bangor Grill Limited, 212 High Street, Bangor requesting permission to sell late night refreshments including hot food such as Kebabs, burgers and pizzas, to be consumed off the premises after 23:00 at night, until 3:30 in the morning on Friday night and Saturday night, until 3:00 in the morning Monday and Wednesday night, and until 2:30 am on Tuesday, Thursday and Sunday nights.

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.

Attention was drawn to the responses received during the consultation period. It was noted observations had been received from North Wales Police asking for assertiveness in the operative schedule to ensure the presence of door supervisors from 23:00 onwards on Friday nights and Saturday nights. One objection to the application had been received from Public Protection based on the fact that there weren't sufficient measures proposed from the applicant to ensure compliance with the licensing objective preventing public nuisance.

It was pointed out that enquiries had been made with the Planning Service regarding the Planning status of the property and confirmation was later received highlighting that a change of use application had not been presented for the property and that the Planning Service was considering enforcement steps.

The Licensing Authority had recommended approving the application subject to

- a) Complying with the requirements of the Police
- b) agreement from the applicant to comply with the nuisance control measures recommended by the Public Protection unit
- c) Receiving Planning permission for a change of use and permission to operate under any planning conditions regarding opening times.

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 to 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 to ask questions to the applicant or his representative
- Every Consultee was invited to support any written representations.
- 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 as follows:

- That the applicant had introduced information to the Environment Officer indicating willingness to comply with the nuisance control measures
- Residents didn't live close enough to see/hear the effect of the air extraction system
- It would be ensured that noise would not cause nuisance
- It would be ensured that food odours would not cause nuisance

ch) In response to a question regarding the need to open until 3:00am, it was noted that this, by now, was the nature of the business with the city's pubs and clubs open until later. Although the applicant had no desire to work late, unfortunately it had to be done to respond to the demand. The Licensing Manager reiterated that these hours were normal for the type of property in Bangor and the hours were not different to similar businesses nearby.

In response to a question regarding the applicant's willingness to accept the conditions proposed, the applicant noted that he was more than willing to accept the conditions to ensure safety.

In response to a question regarding including a planning condition / change of use, the applicant highlighted that he had a letter noting the need to comply with planning conditions and that he would be more than willing to share the letter with the Licensing Department confirming this.

d) The consultees in attendance took the opportunity to expand on representations they had made by letter.

Elizabeth Williams (North Wales Police)

- That opening hours conforms with several similar properties in Bangor

Ffion Muscroft (Environmental Officer)

- Concern about noise from the extraction system
- No details relating to noise levels had been included in the application
- Happy with the applicant's intention to implement noise assessment
- Recommend adding noise conditions to the licence
- Withdraw their objection because of the applicant's willingness to comply

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

- The company had 64 sites, therefore it was not a small company
- Safety conditions had been proposed
- The floor plan had been revised
- A phone number would be available for local residents
- There were no additional hours proposed in the application
- They hoped to improve the situation and that the licence would not need reviewing

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

- The proposed conditions submitted had changed the recommendation
- Should the Sub-committee decide to approve the application and accept the conditions, the wording of the conditions would need to be clear in terms of explaining their operation and enforcement - the Sub-committee had effective powers to impose conditions

e) 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 observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations and weighed these 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

Representations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application in accordance with the requirements of the Licensing Act 2003.

The current licence shall be varied as follows:

1. Provision of late-night refreshment on and off the premises

Sunday 23:00 – 02:30
Monday 23:00 – 03:00
Tuesday 23:00 – 02:30
Wednesday 23:00 – 03:00
Thursday 23:00 – 02:30
Friday 23:00 – 03:30
Saturday 23:00 – 03:30

2. The additional measures, as set out in part M of the application, to be included as conditions but varied so that door staff are to be employed from 23:00 onwards on Friday and Saturday nights.

3. The following conditions to be incorporated:

- No noise shall emanate from the premises that gives rise to a nuisance.
- There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

(i) A report shall be submitted to the Council detailing the potential for noise from the extraction plant at the premises from affecting neighbouring noise sensitive properties at Lower Street, Bangor, LL57 1HN, 1-2 City View, Cae Llepa, Bangor, LL57 1HW and flat above 210 High Street, Bangor.

(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.

(iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police did not have evidence of crime and disorder as a basis to object to the application. Nevertheless, they suggested that door staff should be employed from 23:00 onwards on Friday and Saturday evenings due to the higher risk of anti-social behaviour linked to alcohol at weekends.

In the context of **Public Safety** no evidence relevant to this principle was presented.

In the context of **Prevention of public nuisance**, Cyngor Gwynedd's Environmental Health Service confirmed that they withdrew their objection following the applicant's agreement to incorporate their suggested conditions (as detailed in an email dated 7/6/23 from the Public Protection officer to applicant's representative).

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

Although not part of the licensing regime, the applicant agreed to undertake with any planning requirements as necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. 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 11.00 and concluded at 11.40

CENTRAL LICENSING SUB-COMMITTEE 14-07-2023.

Present:

Councillors: Elfed Williams (Chair), Gareth Morris Jones and Huw Rowlands

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager), Lyndsey Thomas (Licensing Officer) 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

APPLICATION FOR A TEMPORARY EVENT

Gin Bar, Beechwood House, Dolgellau, Gwynedd LL40 1AU

4.

Others invited:

- Mr Dean Hawkins - Applicant
- Elizabeth Williams (Licensing Officer, North Wales Police)
- Mared Llwyd (Pollution Control Team Leader)

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 temporary event at Beechwood House, Dolgellau, Gwynedd, in relation to licensed activities indoors and outdoors.

Application 1 - Temporary Event Notice to hold extended licensed activities to what is currently on the licence as part of the activities of Sesiwn Fawr Dolgellau 21, 22 and 23 July.

Application 2 - Temporary Event Notice for music outside and external bar on the Marian Mawr, Dolgellau as part of the activities of Hwyl yr Haf Dolgellau, 19 August

It was reported that an objection had been received to both applications from the Environmental Health Service, with comments also supporting concerns received from the Police. It was explained that it was only the Council (fulfilling its Environmental Health responsibilities) and the Police who have the power to object any temporary events notice. There is no public consultation procedure for the temporary events system.

The Licensing Authority recommended to refuse the application as the applicant had not presented any information that would mitigate the Council and the Police's concerns regarding both events. It was highlighted that, since publishing the report, a poster had appeared on social media platforms regarding the nature of the event if the temporary event notice was approved. The poster highlighted clearly that the timetable was related to Sesiwn Fawr Dolgellau.

- 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 to 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 to ask questions to the applicant or his representative
 - Every Consultee was invited to support any written representations.
 - 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 noted:
- That the property was not included in the activities of Sesiwn Fawr Dolgellau - it was hard not to take this personally
 - That they were trying to make a profit following Covid 19 - saw an opportunity to take advantage of the event
 - That other locations in the town were playing loud music, therefore why wasn't it possible to do this at Beechwood House?
 - That he had held discussions with the Council and the organisers of Sesiwn Fawr Dolgellau regarding closing the road, but there was no solution
 - That thousands attend the town and that all roads should be closed
 - That everyone was allowed to take part except for Beechwood House

In response to a question as to why information had not been submitted to the Environmental Officer, it was noted that he didn't have the contact details and that he was keeping a personal record of the noise levels and complaints so he could connect the evidence with an event in the property.

In response to a question regarding the 'external area', it was noted that there was no area outside the property (no garden or external area to sit) and therefore there was only room to stand outside when music was being played. Windows and doors would stay open.

In response to a question about the foam cannon, it was noted, as the road was not being closed, there wouldn't be further use of the foam cannon.

In response to a question regarding how he would manage the activities, he noted that he would pay for two security guards to guard the doors between 6pm and closing time on the Friday and Saturday night as well as employ 5 members of staff to monitor the activities/behaviour. It was added that the property was located opposite the Police location for the event.

In response to a question regarding how he would meet the concerns of managing noise and people, he noted that this would depend on the number of people that would attend. He added that additional staff would be available to manage and monitor the situation, but it would be difficult to stop people from standing outside. The situation would need to be managed with the support of staff, security guards and the Police.

- d) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them.

Elizabeth Williams (North Wales Police)

- That concerns regarding road users and customers near the property had been highlighted
- No additional resources would be available from the Police to keep an eye on the property - controlling the crowd was not the work of the Police
- It was the licence holder's responsibility to look after his customers
- That every property was responsible for paying for Security services.

Mared Llwyd (Pollution Control Team Leader)

- That several complaints regarding the premises, based on loud music, had been received over the last few months
- That noise levels (per date and time) had been recorded through a noise app. Minutes in the form of a log and diary had also been received
- Customers, who convene outside the property, would cause a barrier and disturbance for others passing
- That a condition of closing doors and windows during an event was already on the premises licence. It was accepted that operating this would be difficult in hot weather, but that it would be possible to install an air-con system inside the property.
- Contact with the applicant had been done over the phone, letters and e-mails noting the complaints and trying to gain an understanding of the situation. A proposal had been made to collaborate to avoid public nuisance
- Measures were needed in place - accepted the applicant's desire to develop the business but the public needed protecting
- The applicant had not provided noise mitigation measures
- That the Sesiwn Fawr Dolgellau event finishes at 8pm in the street with indoor activities continuing in the Ship. That the application for music until 1am was later than every other premises in the town.

No observations had been received from the Local Member

Taking advantage of the right to summarise his case, the applicant noted;

- That he accepted that measures had not been taken to control the external area of the property
- That he was aware of the complaints - these had been exaggerated
- That noise cancelling curtains and shutters had been placed on the windows
- That they keep a log of noise levels and that they were within the legal levels.
- That he invited the officers to see what was being proposed
- The premises will close in September

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

- That she accepted that they needed to make a living, but not at the expense of public safety
- There was an insufficient explanation of measures to mitigate concerns
- That the condition to close windows and doors had been breached on a number of occasions

- As the situation was not improving, the next step would be to install a noise recording machine in the property to collect evidence

In the context of the background and nature of the second application, the applicant noted that this was an application to provide refreshments, and music through a speaker on the Marian Mawr field.

e) 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 together with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations and weighed these 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

Representations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED:

IN ACCORDANCE WITH THE LICENSING ACT 2003 A DECISION WAS MADE TO REFUSE THE APPLICATIONS AS THERE WAS INSUFFICIENT DETAILS AND NO SAFETY MEASURES PROPOSED BY THE APPLICANT IN RESPONSE TO THE CONCERNS OF THE COUNCIL AND THE POLICE.

Reasons:

Application 1 - Temporary Event Notice to hold extended licensed activities to what is currently on the licence as part of the activities of Sesiwn Fawr Dolgellau 21, 22 and 23 July.

The applicant's frustration that he wasn't included as part of Sesiwn Fawr Dolgellau (SFD) was noted. Despite this, the sub-committee's role was to consider the application in the context of the licensing act and specifically the four licensing objections, following an objection to the application from the Environmental Health Service and North Wales Police.

The evidence and the professional opinion of the Environmental Health Officer was considered as several complaints has been received regarding noise deriving from the property and that two complaints were still open as well as examples of when the noise control conditions on the licence had been breached as the windows were not closed.

Evidence was received from the Police objecting based on concerns in terms of public safety outside the property where licensed activities would be held should the application be approved. Road closure measures were not in place outside the property as they were within the SFD area. The reason for closing the roads was to deal with the type of

problems that would arise should the application be approved. The Police were also aware of noise nuisance complaints regarding the property in the past.

The Sub-committee was not persuaded therefore, based on the application and what was said at the hearing, that the applicant could set sufficient measures in place to mitigate the noise problems nor to warrant the safety outside the property.

Application 2 - Temporary Event Notice for music outside and external bar on the Marian Mawr, Dolgellau as part of the activities of Hwyl yr Haf Dolgellau, 19 August

The application was to install a bar and to play music in a public space. The Sub-committee was not satisfied that the application provided sufficient information on the nature of the event nor the way the applicant intended to control the event to ensure a safe event that wouldn't disturb people in the vicinity. As a result, the Sub-committee could not be satisfied from the point of view of the licensing objectives to approve the application.

The meeting commenced at 10.00 and concluded at 11.40