



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 4TH DECEMBER, 2023

***TO FOLLOW ON FROM THE GENERAL LICENSING COMMITTEE**

Location

Virtual Meeting

NOTE

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

Contact Point

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(DISTRIBUTED 27 November 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

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 25th September 2023 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

5 - 25

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

- a) 27th October 2023
- b) 25th September 2023
- c) 13th September 2023
- d) 30th August 2023

6. NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES

26 - 28

To consider the report

CENTRAL LICENSING COMMITTEE, 25-09-2023

Present: Councillor Elfed Williams (Chair)
Councillor Gwynfor Owen (Vice Chair)

Councillors: Anwen Davies, John Brynmor Hughes, Gareth Tudor Jones, Eryl Jones-Williams, Edgar Wyn Owen, Huw Rowlands, Angela Russell, and Gareth Williams

Officers: Gareth Jones (Assistant Head of Dept – Environment), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Councillors Alan Jones Evans, Annwen Hughes, Linda Ann Jones and Arwyn Herald Roberts

2. DECLARATION OF PERSONAL INTEREST

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

URGENT ITEMS

None to note

3. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this committee, that took place on 12th June 2023, as a true record

4. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted and accepted for information, the minutes of the Central Licensing Sub-committee held on 26 May 2023, 12 June 2023, and 14 July 2023 as a true record.

The meeting commenced at 10:30am and concluded at 10:35am.

CENTRAL LICENSING SUB-COMMITTEE 30 August 2023

Present:

Councillors: Elfed Williams (Chair), Annwen Hughes and Arwyn Herald Roberts

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

1. APOLOGIES

Elizabeth Williams (Licensing Officer, North Wales Police)
Heather Jones (North Wales Fire and Rescue Authority)
Ffion Muscroft (Environmental Health Officer)
Councillor Rheinallt Puw (Local Member)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note.

4. APPLICATION TO VARY THE PREMISES LICENCE

Mo House Brew, Cwrw Ogwen, 5 Rhes Ogwen, High Street, Bethesda, Bangor.

Others invited:

Mr Morgan Vallely (Applicant).

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

The report of the Licensing Manager was submitted giving details of the application for a premises licence for Mo House Brew, Cwrw Ogwen, 5 Rhes Ogwen, High Street, Bethesda, where it was proposed to operate the premises as a brewery and bar. It was explained that a premises licence for the property already existed, but that this was an application for a new licence that would allow the sale of alcohol on and off the premises until midnight 7 days a week, and the right to hold indoor and outdoor entertainment until 11pm every day. Although there was no general increase in the hours of licensable activities, the applicant requested the right to hold licensed activities later than the current licence, but to not open until lunchtime.

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 neither North Wales Police nor the Fire Service had opposed the application,

but comments were received from the Public Protection Service on the application based on the fact that sufficient measures will be required to ensure compliance with the licensing objective of preventing public nuisance. Concern was expressed about the additional late hours for licensable activities considering that there is a flat above and either side of the brewery and bar, and the effectiveness of the building structure in terms of soundproofing those dwellings from music noise. The officer recommended specific noise conditions to be included on the premises' operating schedule (in addition to the conditions proposed by the applicant in section M of the application).

Written confirmation was received from the applicant noting that he accepted the proposed conditions, and it was stated that there was no intention to hold live entertainment evenings / live music more than once a month, that will end at approximately 22:00 hours.

The Local Member, Councillor Rheinallt Puw was supportive of the application, noting in an e-mail "...support this application 100%. Very pleasing to see a new enterprise on the High Street."

As a result, the Licensing Authority recommended approving the application subject to including additional noise control conditions recommended by Public Protection in accordance with what was agreed with 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 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:
- His intention was to extend the current hours to 22:00 hours with the opportunity to hold some events until 1:00 about once a month, on a bank holiday and some weekends.
 - That other pubs operate similar hours.
 - That the property was located on the High Street.
 - Should noise complaints be presented, he was willing to install soundproofing equipment, but running the property as a 'tap room' was his priority and not playing music.
 - If music was to be played, a DJ or musician would be used once a month.
 - That he had agreed with the conditions proposed by the Public Protection Officer.
- d) In response to the question about how much capacity for customers there was in the property, the applicant noted that the site was very small and that there may be room for 30 people there.

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

The applicant had no additional comments to summarise his case.

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

- That there was no application for additional hours to the current licence.
- Although no objections had been received from the public, the applicant needed to be aware that noise sensitivity increases at night-time.

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:

Prevention of crime and disorder
Prevention of public nuisance
Ensuring public safety
Protection of children from harm

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

RESOLVED: In accordance with the Licensing Act 2003, it was decided to allow the application subject to the inclusion of additional soundproofing conditions recommended by the Public Protection Officer in accordance with what was agreed with the applicant.

The current licence shall be added to as follows:

- The internal LAeq 15min sound level and the LAeq 15min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwelling open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of this condition, LAeq is as defined in BS4142:2014.
- To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during regulated entertainment, except for access in and out of the premises.
- The installation of any sound systems for amplifying music outside will not be allowed.
- The disposal of waste bottles and cans into containers outside of the building subject to the licence is prohibited between 22.00 – 08.00. Empty bottles shall be stored in a lidded skip or bin within the curtilage of the premises.

Specific 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.

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

In the context of **Prevention of Public Nuisance** an objection to the application was presented on the basis that there are residential flats located on both sides of the building and a flat located above the brewery. As a result, additional conditions were recommended to be included on the licence. The Cyngor Gwynedd Environmental Health Service confirmed that the applicant had agreed to the specific noise conditions to be included on the premises' operating schedule (in addition to the conditions proposed by the applicant in section M of the application). The sub-committee had also considered that complaints had not been received when music was played on the premises until 20:30, and that there was no objection to the application by neighbours.

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

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 the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10:00 and concluded at 11:00

CENTRAL LICENSING SUB-COMMITTEE 13 September 2023

Present:

Councillors: Elfed Williams (Chair), Edgar Owen and Huw Rowlands

Officers: Siôn Huws (Solicitor), 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.

4. APPLICATION FOR A TEMPORARY EVENT - BRAICH GOCH INN, CORRIS

TEMPORARY EVENT application - extension of licensed activities hours for a fund-raising event for charities on 22 September 2023

Others invited:

- Maria P de la Pava Catano (Applicant)
- Mark Mortimer (Public Protection Officer)
- Councillor John Pughe Roberts (Local Member)

The Chair welcomed everyone to the meeting.

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

Submitted - the report of the Licensing Officer giving details of the application for a temporary event at Braich Goch Inn, Corris Machynlleth, for an extension to the hours of licensable activities inside the property for a charity fundraising event on 22 September 2023.

- Use of the indoor bar area that is connected to a bunkhouse building for the sale of alcohol and to host live music until 11pm and a DJ until 02:00am.
- Provide licensed activities for a maximum of 100 persons.

It was reported that an objection had been received to the application from the Public Protection Enforcement Officer as the applicant had not responded to discuss a compromise regarding the hours. It was explained that it was merely the Council (fulfilling its Environmental Health responsibilities) and the Police who have the power to object any temporary events notice and that there was no public consultation for the temporary events system.

Attention was drawn to the responses received during the consultation period. It was noted that that observations were submitted by the Public Protection Enforcement Officer regarding concern that the event would undermine the licensing objectives of preventing public nuisance. The officers of the service received two complaints regarding music noise disturbance during May 2022 until 01:30 (beyond the hours permitted on the licence). A temporary event notice was not in place to grant the licensed activities beyond what had been permitted under the licence.

It was explained that since noise complaints due to unauthorised licensed activities had been received in May 2022, an e-mail had been sent (21-08-23) from the Public Protection Service to the licence holder to offer a compromise, as the application notes terminating the hours of regulated entertainment at 02:00. The Public Protection Officer offered terminating the licensed activities at 00:30, half an hour later than the current licence. This was considered a fair compromise, and that it would give the licence holder an opportunity to prove their ability to organise entertainment without disturbing nearby residents.

Despite this, no response was received to the compromise and as a result, the Licensing Authority recommended the refusal of the application on the grounds of:-

- A complaint about hosting licensed activities outside the licence's time limit.
- Complaints of a noise disturbance following entertainment held in May 2022.
- A lack of any response from the applicant to the offer for a compromise on the hours requested.

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

c) Elaborating on the application, the applicant noted:

- That she apologised for failure to respond to the e-mails; she accepted the compromise and was not aware of the necessity to confirm this with the Officer.
- Letters apologising for the noise had been sent out to nearby residents following the event of May 2022, and that they now notify the local residents of organised events.
- That Braich Goch was run as a charity, a social hub and worked closely with the community - the intent was to build a good relationship of collaboration with the community.
- That the event would raise money to improve the building and although it would be a charity event, the charity was attempting to be self-sufficient.

In response to a question regarding response to the letters of apology, it was noted that they were not aware of who had complained and therefore letters were sent to all nearby residents, as well as conducting door-to-door visits. Generally, the response was good.

In response to a question regarding the capacity of the premises, it was noted that the premises held up to a 100 people. In response to an ancillary question regarding keeping control and ensuring the safety of attendees, it was noted that four volunteers as well as two staff members would be working on the night. The doors and windows would be closed with door supervisors watching the doors. A risk assessment would be completed for every event.

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

Mark Mortimer (Public Protection Officer)

- That the applicant's response to the compromise (since receiving an invitation to attend the sub-committee) was unfortunate.
- He accepted that the applicant was satisfied with the addition of half an hour - it would be a test of their ability to conform.
- Following the complaints from May 2022, Public Protection was wary of approving a temporary events licence for September 2023 - no information had been received.
- The applicant was now aware of the procedure and therefore this would avoid any future confusion.
- Public Protection were willing to approve the temporary events application for 22 September 2023.

Taking advantage of the right to sum-up their case, the applicant noted;

- That she apologised for the misunderstanding. That they would make every effort to cooperate with Public Protection in the future.

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

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

RESOLVED: To approve the application subject to terminating the licensed activities at 00:30 (half an hour later than the current licence) in accordance with the Public Protection Enforcement Officer's recommendation agreed upon with the applicant.

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** there was no evidence of crime and disorder as a basis to justify objecting to the application.

In the context of **Prevention of Public Nuisance** An objection was received to the application as complaints had been received from nearby residents regarding music noise disturbance to an event held at the premises in May 2022. As a result, a compromise was suggested by the Public Protection officer for the event in September 2023. Although the applicant did not respond to the Officer's recommendation within the appropriate period, the Sub-committee received the applicant's observations in the meeting of their willingness to cooperate and agree with the recommendation to terminate the licensed activities at 00:30. It was also considered that the applicant had responded well to complaints from an event during September 2022 and that they were prepared to work with the community.

In the context of **Ensuring Public Safety**, although the Sub-committee had concerns regarding the number of people attending the event and the suitability of the property for the amount of people, an observation was received that a risk assessment would be completed for every event and that door supervisors would be employed to ensure order on the night.

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

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 1.00pm and concluded at 1.35pm.

CENTRAL LICENSING SUB-COMMITTEE

25 September 2023

Present:

Councillors: Elfed Williams (Chair), Gwynfor Owen and Angela Russell

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

1. APOLOGIES

Councillor John Brynmor Hughes (Local Member) as he was a Member of Abersoch Golf Club

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. PREMISES LICENCE APPLICATION:

Abersoch Golf Club, Golf Road, Abersoch, LL53 7EY

Others invited:

Mr Michael Murphy (Applicant)

Amlyn Williams - Member of Abersoch Golf Club

Mared Llwyd (Public Protection Team Leader (Pollution Control and Licensing))

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 Abersoch Golf Club, Golf Road, Abersoch which is a club for members mainly - including a bar, restaurant and patio area. It was reported that the application was one to change from a Club certificate to a premises licence, with most of the licensed activities remaining the same.

It was explained that the applicant was requesting the right to hold licensed events inside and outside the property. It was highlighted that there is a right to sell alcohol 24 hours a day every day on the current club certificate, and on the premises licence application. Although there is no general increase in the hours of licensable activities, the applicant requests the right to hold licensable activities later than the current licence, but not open until lunchtime.

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 neither North Wales Police nor the Fire and Rescue Service had any objections to the application, but that observations were received from the Public Protection Service based on the hours requested, with the intention of opening the club to the public and holding licensed activities inside and outside the property. It was considered that the hours requested could undermine the licensing objective of preventing public nuisance.

It was reported, on 28 July 2023, that a meeting was held between the applicant and the Public Protection Service and they agreed on the following compromise.

- Any events held on site will be managed by the club committee.
- After 02:00, the property will be open to golf club members only
- All doors and windows at the property shall be kept closed during regulated entertainment, except for immediate entry and exit.
- No live/amplified music shall be allowed to be played outside the premises after 23:00.
- No noise or vibration shall emanate from the premises that would cause a nuisance.
- The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22:00 – 08:00. Empty bottles shall be stored in a lidded skip/bin within the curtilage of the premises.

As a result, the Licensing Authority had recommended approving the application subject to the agreed compromise with 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 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:
- An outdoor event would be an exception - there is not enough space for this
 - There will be management on the final hours, if they are used
 - Every attempt will be made to prevent noise from carrying
 - That the club is managed as a club and adhere to the club's rules
 - They saw an opportunity to open the door to visitors to try and encourage more attendees

In response to a question regarding CCTV provision, the applicant noted that there was 24-hour CCTV provision around the property. The Licensing Manager added that CCTV

conditions weren't mandatory for every property and that there was no evidence to justify placing a CCTV condition on this licence.

- ch) The consultee in attendance took the opportunity to expand on the observations that they had submitted in written form.

Mared Llwyd (Public Protection Team Leader)

- That discussions had been held with the applicant which had stated that there was no intention to supply alcohol 24/7 - only for special events e.g., international matches
- That the applicant accepted the condition that live music will not be played outside after 23:00
- That closing windows to reduce noise from carrying was a general condition
- Happy with the applicant's willingness to compromise

Elizabeth Williams (Licensing Officer, North Wales Police)

- That discussions had been held with the club due to the concern about the intention to open to the public. Following a discussion and confirmation from the club that it will not be open to the public after 02:00, the recommendation was supported.

- d) Taking advantage of the right to summarise their case, the applicant noted
- that discussions had been held with all agencies and that everyone was now in agreement
 - That arrangements were in place to ensure good management of the situation and to mitigate concerns
 - They did not foresee problems

- dd) 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: In accordance with the requirements of the Licensing Act 2003, the application was approved subject to the compromise made with the applicant:

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 grounds to justify objecting to the application.

In the context of **Public Safety** no evidence relevant to this principle was presented, despite this, the Sub-committee welcomed that the events would be supervised and that door supervisors would be appointed to manage the site in a suitable way.

In the context of **Preventing Public Nuisance**, observations were submitted on the application from the Public Protection Service as they were concerned about the hours requested, with the intention of opening the club to the public and holding licensed activities inside and outside the property. The Sub-committee welcomed the discussions held with the applicant and the agreed compromise. The Sub-committee had also considered that no objection was received from the Fire Service as well as no objection to the application from local residents.

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

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 27 October 2023

Present:

Councillors: Elfed Williams (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

Item 4: Hugh Owen, Allan Jones, Laura Jones, Caroline Thomas and Ceinwen Williams

Item 5: Local Member - Councillor Nia Jeffreys

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note.

4. PREMISES LICENCE APPLICATION:

Greenwood Family Park, Lôn Llwyn, Y Felinheli, Gwynedd LL56 4QN

Others invited:

- Andrew Baker - Applicant - Greenwood Family Park
- Simon Dale - Greenwood Family Park

- Ffion Muscroft (Public Protection Officer)
- Elisabeth Williams (Licensing Officer, North Wales Police)

- Nest Griffiths - Local Resident
- Stephen Watson-Jones - Local Resident
- Karen Jones - Local Resident
- Andy Hemmings - Local Resident

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 Greenwood Family Park, Lôn Llwyn, Y Felinheli, Gwynedd, from the applicant, Mr Andrew Baker, General Manager. It was explained that Greenwood Family Park was a popular tourist attraction in Gwynedd and that the site offered a variety of activities as well as glamping accommodation.

An application was made to obtain a licence to sell alcohol (bottled local produce), to serve with meals at their on-site restaurant, as well as selling bottled local produce in the

gift shop. It was reiterated that the glamping accommodation was open to guests 7 days a week from the beginning of April until the end of October.

As well as the sale of alcohol for consumption on and off the premises from 10:00 to 22:00, playing live and recorded music, drama and films, dance performances (indoors and outdoors) also until 22:00, 7 days a week, the application also stated an intention to arrange indoor and outdoor performances and dramas in an outdoor theatre area, regularly throughout the year (mainly during the busiest season but also during the period leading up to Christmas), for glamping guests and members of the community, from February until October. It was noted that an amplifier would be used for such entertainment.

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 North Wales Police or the Fire Authority did not object to the application, but observations on the application were received from the Public Protection Service based on concerns that there was insufficient information in the application which highlighted that the public nuisance objective would not be undermined. In addition, nine letters and e-mails of objection were received from local residents in relation to the Licensing objectives of Public Safety, Public Nuisance and the Protection of Children from Harm. Their observations / concerns referred to an increase in traffic; that live/recorded music until 22:00 would cause a public nuisance; that children could obtain alcohol on the site; that those who had drunk alcohol on the site would be likely to leave on foot, and walk along a very narrow and dangerous road.

As a result, the Licensing Authority had recommended approving the application subject to the agreed compromise with 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 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 intention was to sell alcohol with food at the restaurant and in the gift shop.
 - That there was a poor choice of local produce at the shop - needed to improve this.
 - They were considering holding weddings in the future - the tourism sector had faced challenges during Covid and were therefore looking for ways to create an additional income to meet maintenance costs. There was a large barn on the site, therefore they wished to consider this as an option for the future.

- That the relationship with neighbours was a priority.
- That there was an intention to serve alcohol with food in the restaurant until 22:00 - this was for glampers only.
- That the park was a family park - did not want any conflict with local residents.

In response to a question from the Solicitor regarding the opening hours, it was confirmed that the park opened from 10:00 until 17:30, but was operational until 18:00 - these were the core hours. There was no intention to open the park until 22:00 - this was an application for indoor events only. He reiterated that it would be possible to open the park until 22:00 without licensable activities under the existing licence, should there be a wish to do so.

In response to a question regarding the capacity of the park should approving the application increase the daily numbers, the applicant noted that approving the application would not have a huge impact on numbers - that the park's capacity was around 2000 a day and during 2023, the numbers, at the busiest times, had only reached 1400.

- ch) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them. Attention was drawn to the observations submitted by the consultees who were not in attendance.

Ffion Muscroft (Public Protection Officer)

- That she had originally objected to the application due to concerns about an increase in noise for nearby residents, 7 days a week, and a suggestion that many events would be held, e.g. films, dramas, live music, dance performances, etc., until 22:00.
- E-mails had gone back and forth with the applicant, seeking further information on managing event noise at night.
- Although the company had no intention to hold regular events, 7 days a week until 22:00, the licence would allow this.
- As a result of this concern, the applicant agreed that live and recorded music, outdoor dramas and films would finish at 18:00.
- Was happy with the applicant's willingness to compromise, and therefore she withdrew her objection.

Elizabeth Williams (Licensing Officer, North Wales Police)

- No complaints about offences, and therefore no objection to the application.

Stephen Watson-Jones (local resident)

- That he and his family earned a living through the tourism industry.
- Initial concern that noise coming from the Park, late at night, would disturb his visitors - this was their main source of income.
- 'Peace, tranquillity and a clear sky' were noted as the main qualities of staying at the barn in his visitor book - he wanted to retain these qualities.
- That an increase in traffic was also a concern.
- Thanked the applicant for adapting the hours.

Karen Jones (local resident)

- Welcomed the modified hours.
- Could not understand why adults would wish to drink during the day in a family park.
- That promoting local produce was good news.
- That glamping customers brought their own alcohol with them.
- There was a need to avoid public nuisance - people stirring trouble, knocking on car doors, etc.

Andy Hemmings (local resident)

- That closing the park to outdoor activities at 18:00 was a good outcome.
- Genuine concern about noise at night - holding events would lead to an increase in noise.
- If they wanted to hold weddings - this was not the best location. The park was surrounded by narrow, unlit lanes - this increased the risk to drivers and other road users.

Nest Griffiths (local resident)

- That she lived close to the park.
- That she had submitted observations in response to the original proposal of the park remaining open until 22:00 - concerns about noise and traffic levels.
- Although she was used to the noise during the day, she did not want noise at night as well.
- Opening until 22:00 would change the feel of the quiet area which surrounded the park and would lead to the creation of public nuisance.
- Narrow, single-track roads led to the park.
- Congratulated the park on its astounding success, but if the hours increased then this would increase the risk in terms of ensuring the safety of the public / local residents.
- Whilst accepting the compromise of closing at 18:00, suggested closing at 17:30 so that everyone had left by 18:00, and the roads would be safe.
- Hoped that alcohol would not cause additional problems.

- d) Taking advantage of the right to conclude their case, the applicant noted
- that the park's hours of operation were 10:00 - 18:00 (closed at 17:30, which gave visitors half an hour to leave)
 - That he was ready to cooperate and engage with the local community
 - That there was an aspiration to develop the park in the future
 - That the licence was being modified to sell alcohol within the opening hours
- dd) Taking advantage of the opportunity to summarise her case, the Licensing Manager noted that she was happy with the applicant's comments and commitment to reduce the opening hours back to 18:00. She reiterated that she hoped that the compromise mitigated the concerns of nearby residents regarding the prevention of public nuisance.
- 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: In accordance with the requirements of the Licensing Act 2003, the application was approved considering the comments made, and in accordance with the compromise on the hours of regulated entertainment permitted that was agreed between the Public Protection Officer and the applicant.

Licensable Activities

Dramas

Indoors

Sunday - Saturday 10:00 - 22:00

Outdoors

Sunday - Saturday 10:00 – 18:00

Live Music

Indoors

Sunday - Saturday 10:00 - 22:00

Outdoors

Sunday - Saturday 10:00 - 18:00

Dance Performances:

Indoors

Sunday - Saturday 10:00 - 22:00

Outdoors

Sunday - Saturday 10:00 – 18:00

Films:

Indoors

Sunday - Saturday 10:00 - 22:00

Outdoors

Sunday - Saturday 10:00 – 18:00

Recorded Music

Indoors

Sunday - Saturday 10:00 - 22:00

Outdoors

Sunday - Saturday 10:00 - 18:00

Supply of Alcohol On and Off the Premises

Sunday - Saturday 10:00 - 22:00

The measures, proposed by the applicant in Section M of the application to be included as conditions.

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application. No evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Public Safety**, the concerns raised regarding the impact on traffic on the narrow roads in the vicinity of the site were noted. The Sub-committee considered the

current use of the site and the numbers already visiting the Park, and they were not of the opinion that there was evidence that approving the application was likely to lead to problems as a result of an increase in the use of the roads. It was reiterated that there was a need to bear in mind that considering the impact of the development on roads and traffic in the nearby area was a matter for the planning system.

In the context of **Preventing Public Nuisance**, the applicant modified the application to address the specific objection of the Public Protection Enforcement Officer to the hours for holding outdoor activities and the likelihood of creating public nuisance. Consequently, these activities would end at 18:00 instead of 22:00. The Officer was satisfied with the modification and the Sub-committee was of the opinion that the modification addressed the concerns expressed by individuals in a reasonable manner.

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

The Sub-committee welcomed the fact that the applicant had considered the observations submitted and that they had been willing to compromise. Under the circumstances, the Sub-committee was satisfied that the application as amended was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if 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.

5. APPLICATION TO VARY A PREMISES LICENCE:

Clwb Llyn Bach, Heol yr Wyddfa, Porthmadog LL49 9DF

Others invited:

- Mr John Lewis Roberts (applicant)
- Mared Llwyd (Public Protection Manager - Pollution and Licensing Control)

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted - the report of the Licensing Manager detailing an application to vary the licence of Clwb Llyn Bach, Heol yr Wyddfa, Porthmadog, to add the sale of alcohol from a small building located outside (to the rear of the main building) for licensable activities when events are held at busy times. It was noted that the Club was mainly for members; which included a bar and patio area / beer garden; with a premises licence instead of a club certificate.

A request was made for permission to play live and recorded music until 01:00 every day as well as dance performances, and any similar activity such as stand-up comedians, indoors and outdoors, 7 days a week, but that regulated entertainment, including music and dance, finishes outdoors at 23:00. Although there is no increase in the hours of

licensable activities compared to the current licence, the applicant requests the right to hold licensable activities outside the premises until 23:00. It was intended to sell alcohol from the hatch in the external bar until 23:30, and close the beer garden at 00:00, asking the customers to move inside the building. The applicant requested permission for a comedian to perform indoors as well as outdoors until 01:00, despite noting in part M of the application that the outdoor area would close at 00:00.

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 neither North Wales Police nor the Fire Service had an objection to the application and an observation was received from Porthmadog Town Council stating that they had no objection provided that the activities were restricted to inside the building, and not outdoors. An objection to the application was received from the Public Protection Service based on concerns that the licensing objective of prevention of public nuisance is undermined due to the proposal to hold licensable activities outside the premises with regulated entertainment to be approved in the outdoors until 23:00, and the outdoor bar until 23:30.

It was highlighted that applicants were expected to provide detailed information with the application to allow the Licensing Authority to determine whether the measures proposed are sufficient to promote the licensing objectives in the local area. It was reported that no details of the proposed steps intended to take to mitigate the impact of noise on nearby residents during events where entertainment is held, had been submitted by the applicant in this case.

As a result, the Licensing Authority recommended refusing 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 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 garden was open in any case until midnight
- That selling alcohol in the garden took some pressure off the indoor bar
- That the indoor area tended to become overfull when other pubs in the town closed
- No intention to have pumps - alcohol to be sold in bottles and cans
- One complaint had been received in four-and-a-half years and that due to the noise of bottles being emptied at 22:15.

In response to a question about the size of the garden, the applicant noted that there was room for approximately 80 people in the garden.

In response to a question regarding the requirements of the application, the Licensing Manager noted that although this application was for the sale of alcohol in the garden, that the licence application asked for a licence to hold entertainment / play music outdoors also.

In response to a supplementary question regarding music and the current system, the applicant noted that music was being played indoors every Saturday, Sunday night and on Bank Holidays and that a Temporary Event Notice application would be made for special outdoor events. The applicant reiterated that the garden is located further from the houses and was open at weekends only.

In response to a question from the Solicitor about the legal use of the outdoor hut and whether planning permission would be needed for change of use, the applicant noted that it was the Old Legion Site in question with an old cellar on the site being used to sell beer in the past. The Licensing Manager highlighted that the cellar was a part of the premises licence, but that the activity of selling alcohol was different.

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

Mared Llwyd (Public Protection Team Leader - Licensing and Pollution Control)

- Highlighted concern that approval would lead to the creation of public nuisance - live or recorded music 7 days a week would cause nuisance to local residents.
 - Having 80 people outdoors would create additional noise.
 - As a result of the sale of alcohol outdoors, this would encourage more to convene outdoors and consequently it would be difficult to manage noise.
 - That the location was within 15m to residential houses.
 - That noise carried and this was obvious from the complaint received in August 2023.
- d) Taking advantage of the right to conclude their case, the applicant noted:
- That a complaint about emptying bottles was in question, and not a complaint of noise from the garden.
 - That beer had been sold on the site in the past.
 - Accepted not being allowed to sell alcohol from the garden, but not having outdoor entertainment could impact the business.
- dd) Taking advantage of the right to summarise their case, the Licensing Manager noted:
- That the area was sensitive to noise - a number of nearby houses within 15m.
 - Continued to object to the application - the applicant had not submitted noise precautions or a noise mitigation action plan.
- 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:

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

The observations that were received which were irrelevant to the above objectives were disregarded.

In accordance with the Licensing Act 2003, and having considered the observations received, the application was REFUSED for the following reasons -

- **No measures had been recommended in part M which convinced the Licensing Authority nor the Public Protection Service that it was possible to put measures in place to manage noise impact in this location that was surrounded by residential properties.**
- **That a complaint had been received about the noise of music and customers on the licensed premises recently.**
- **Although the Public Protection Officer had informed the applicant of the intention to object the application based on the licensing objective of preventing public nuisance, no response was received from the applicant, or any suggestion of compromise.**
- **It would be more appropriate for the applicant to be introducing temporary event notices in order to try and find out if there was a way to manage the noise from using the beer garden for licensed activities.**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application. No evidence had been submitted highlighting that there were problems relating to this principle with the premises.

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

In the context of **Preventing Public Nuisance** the Sub-committee was of the opinion that approving the application would undermine this principle. It was considered that the Public Protection Service had objected to the application based on the fact that this principle would be undermined as a result of the proposal of holding licensable activities outside the premises. The location was considered as a very sensitive one in terms of noise as it is surrounded by residential houses and the application sought to hold activities outside the premises until 23:00. Although people already went to the beer garden, the Sub-committee was of the opinion that the sale of alcohol in the garden would attract more out to the garden and would give them a reason to stay there also. The applicant had not submitted information which persuaded the officers or the sub-committee that measures could be put in place to manage the impact of noise on the nearby residential houses. As well as the officers' professional opinion, there was evidence of a noise complaint as a result of an event held under a temporary licence recently.

The Sub-committee was disappointed that the applicant had not contacted the Public Protection Officer when she had informed him of her intention to object to the

application. There had been no suggestion of a compromise in response to the concerns raised and no attempts were made to address the concerns.

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

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 12:30

COMMITTEE	CENTRAL LICENSING COMMITTEE
DATE:	4 DECEMBER 2023
TITLE:	NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES
PURPOSE :	INTRODUCTION TO NEW REQUIREMENTS - AND ROLE OF LICENSING COMMITTEE
AUTHOR:	HEAD OF ENVIRONMENT

1.0 BACKGROUND

- 1.1 A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government around June 2024 (precise date is yet to be confirmed), under Part 4 of the Public Health (Wales) Act 2017. Special Procedures include tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis.
- 1.2 The main requirements of this regime will be as follows:
- Practitioners must be licensed to carry out special procedures.
 - It will be an offence to carry out special procedures without a licence;
 - Business premises or vehicles must be approved.
 - It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved
 - A full licence will last for three years and a temporary licence will last for 7 days (to allow for Events and conferences)
 - The Licence will have to be displayed at the premises where special procedures takes place
 - Licence conditions will cover a practitioner’s competence , the premises , the Equipment and practices used, advice which must be given before and after the special procedure , and records to be kept.
 - Practitioners will be required to undergo specific training
- 1.3 The Welsh Government’s intention through the introduction of this scheme is to reduce the health risks associated with these procedures. Most notably infections can occur at the site of the procedure and also improper and unhygienic practices may result in the spread of infectious diseases, such as blood-borne viruses.

2 CURRENT SITUATION

- 2.1 At present, if an individual wishes to practise acupuncture, tattooing, semipermanent skin colouring, cosmetic piercing or electrolysis they are required to apply to be registered with their local authority. The requirement to register is set out within Part 8 of the Local Government (Miscellaneous Provisions) Act 1982 Under the 1982 Act, Welsh Government published model byelaws in respect of certain matters which govern safe hygiene practices in these types of procedures, but enforcement options under these provisions are limited , even in Local Authorities who have wholly adopted the model standards into Local by-laws.
- 2.2 A further consideration is that currently local authorities are only able to refuse an application for skin piercing registration under the Local Government (Miscellaneous Provisions) Act 1982 if the applicant has already had a previous registration cancelled by the courts as a result of being found guilty of an offence (such as breaching a byelaw on hygiene).

3 IMPLICATION OF NEW MANDATORY LICENSING SCHEME

- 3.1 The new regime will mean that local authorities are to be responsible for enforcing the licensing requirement of these practices and for keeping a register of special procedures licences issued by them.
- 3.2 If a local authority is satisfied that a licence holder has failed to comply with a mandatory licensing condition or has been convicted of a relevant offence, it may revoke a special procedure licence, either in full or in so far as it relates to the performance of a particular special procedure. Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual has the right to make representations to the local authority and appeal to a magistrates' court against the decision.
- 3.3 Special Procedures Practitioners will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Public Protection Officers (Environmental Health Officers.) In addition, they will have to provide a Basic DBS as part of their licence application.
- 3.4 Those practitioners who are currently registered will need to transition to the new system. Time will be allowed for them and their premises to be assessed by officers and transferred to the new licensing system
- 3.5 There is an expectation from Welsh Government that much of this additional work will be absorbed into existing work programmes within Environmental Health and Licensing, which may impact other areas of service delivery

4. IMPLICATIONS FOR THE LICENSING COMMITTEE

- 4.1 Welsh Government have indicated that they expect this regime to sit under licensing committee structures and have been formulating a consultation document for consideration which outlines their expectations in terms of governance. Officers will notify Members of this Committee when the consultation document is published. It is anticipated that contentious applications will be subject to sub-committee determination , and that there will be a right of appeal to a licensing sub committee or Magistrates court for applicants refused a practitioner licence
- 4.2 It is also anticipated that Members will be required to undertake training to enable them to determine applications as they could be subject to legal challenge. Dr Sarah Jones, Senior Environmental Health Adviser who has been leading on the development of the licensing scheme for the Welsh Government will be providing committee members with an introduction to the scheme via Zoom during this committee meeting today.
- 4.3 The role of the licensing committee in such Licence application determinations is yet to prescribed within specific Hearings Regulations ; and this committee will be informed of any developments in this respect, as further direction from Welsh Government on this matter.
- 4.4 When the situation becomes clearer in respect of the role of the licensing committees , the Monitoring Officer will review what mechanisms will be required to be adopted in to the Council's constitution , as well as determining delegated powers required for officers.

