
CENTRAL LICENSING SUB COMMITTEE 26/05/23

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 FOR VARIATION OF THE PREMISES LICENCE - BRYNTEG HOLIDAY PARK, LLANRUG, GWYNEDD, LL55 4RF

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 FOR A VARIATION OF A PREMISES LICENCE NEW HORIZONS, SUNNYSANDS CARAVAN 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 am and concluded at 12.25 pm

CHAIRMAN