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## CENTRAL LICENSING SUB-COMMITTEE 30 August 2023

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**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 Rhos 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 Rhos 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