

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>5 NOVEMBER 2019</b>
<b>TITLE:</b>	<b>APPLICATION FOR PREMISES LICENCE - THE SANDBAR RESTAURANT, ABERSOCH</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

### **APPLICATION RECEIVED**

An application is appended for a premises licence for The Sandbar Restaurant, The Warren, Lôn Port Morgan, Abersoch LL53 7AA from Haulfryn Group Ltd. The premises includes a new restaurant for the provision of food and drinks for the owners and guests of the site's residential units. Food and drinks are served, with 80 covers for customers inside, and covers to accommodate 92 people outside.

The application is made in relation to the supply of alcohol on and off the premises; live music, recorded music indoors and outdoors; the provision of late night refreshments; seven days a week.

Officers from the Licensing Authority are satisfied that there is sufficient evidence that the application has been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations and is therefore valid. Since representations relevant to the licensing objectives have been made on the application, it is submitted for the consideration of this Sub-committee.

See the attached table for details of the proposed hours.

<b>LICENSABLE ACTIVITIES</b>	<b>PROPOSED LICENCE</b>
<b>Oriau Agor / Opening Hours:</b>	Dydd Llun/Monday 08:00-01:00 Dydd Mawrth/Tuesday 08:00-01:00 Dydd Mercher/Wednesday 08:00-01:00 Dydd Iau/Thursday 08:00-01:00 Dydd Gwener/Friday 08:00-02:00 Dydd Sadwrn/Saturday 08:00-02:00 Dydd Sul/Sunday 08:00-00:00
<b>Cerddoriaeth Fyw/Live Music - Dan Do ac Awyr Agored/Indoors and Outdoors</b>	Dydd Llun/Monday 09:00-00:00 Dydd Mawrth/Tuesday 09:00-00:00 Dydd Mercher/Wednesday 09:00-00:00 Dydd Iau/Thursday 09:00-00:00 Dydd Gwener/Friday 09:00-00:00 Dydd Sadwrn/Saturday 09:00-00:00 Dydd Sul/Sunday 09:00-00:00
<b>Cerddoriaeth wedi'i Recordio/Recorded Music - Dan Do ac Awyr Agored/Indoors and Outdoors</b>	Dydd Llun/Monday 09:00-00:00 Dydd Mawrth/Tuesday 09:00-00:00 Dydd Mercher/Wednesday 09:00-00:00 Dydd Iau/Thursday 09:00-00:00 Dydd Gwener/Friday 09:00-00:00 Dydd Sadwrn/Saturday 09:00-00:00 Dydd Sul/Sunday 09:00-00:00

<p><b>Adloniant Arall/Other Entertainment</b> - Dan Do ac Awyr Agored/Indoors and Outdoors</p>	<p>Dydd Llun/Monday 08:00-00:00 Dydd Mawrth/Tuesday 08:00-00:00 Dydd Mercher/Wednesday 08:00-00:00 Dydd Iau/Thursday 08:00-00:00 Dydd Gwener/Friday 08:00-00:00 Dydd Sadwrn/Saturday 08:00-00:00 Dydd Sul/Sunday 08:00-00:00</p>
<p><b>Lluniaeth Hwyr y Nos/Late Night Refreshments</b> - Dan Do ac Awyr Agored/Indoors and Outdoors</p>	<p>Dydd Llun/Monday 23:00-00:00 Dydd Mawrth/Tuesday 23:00-00:00 Dydd Mercher/Wednesday 23:00-00:00 Dydd Iau/Thursday 23:00-00:00 Dydd Gwener/Friday 23:00-01:00 Dydd Sadwrn/Saturday 23:00-01:00 Dydd Sul/Sunday 23:00-00:00</p>
<p><b>Cyflenwi Alcohol/Supply of Alcohol</b> - Ar ac Oddi ar yr Eiddo/On and Off Premises</p>	<p>Dydd Llun/Monday 10:00-00:00 Dydd Mawrth/Tuesday 10:00-00:00 Dydd Mercher/Wednesday 10:00-00:00 Dydd Iau/Thursday 10:00-00:00 Dydd Gwener/Friday 10:00-01:00 Dydd Sadwrn/Saturday 10:00-01:00 Dydd Sul/Sunday 10:00-00:00</p>

**Measures recommended by the applicant to promote the licensing objectives**

The measures recommended by the applicant include the following -

- Training for staff on the requirements of the licence and health and safety requirements
- It is intended to operate the 'Challenge 25' policy, consistent with the rest of the site
- Residents of the holiday park are aware of the site's rules in relation to acceptable behaviour; and everyone is expected to comply with the rules and standards that are in place.
- There are security guards on site 24 hours a day
- It is intended to operate a closed circuit television system
- Ensure that no goods vehicles arrive at the premises for deliveries before 8 a.m. and after 8 p.m.
- Children must be under supervision while on the premises.

Full details of the recommended measures can be found in section **M** of the application.

## **CONSULTATION**

A consultation on the application was undertaken and the following responses were received -

<b>RESPONSES</b>	<b>REPRESENTATIONS</b>
North Wales Police	Representations , with conditions
Community Council	No objection
Residents of the site's residential units	Seven e-mails of objection

### **Representations from North Wales Police**

The applicant has agreed to include CCTV conditions as recommended by the Police, as follows -

#### **Section M (b) - Crime and Disorder Prevention**

1. A digital CCTV system will be installed and in operation to the satisfaction of the Police and the Authority.
2. The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 28 days.
3. Images will be surrendered at the request of the Police or Local Authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition.
4. There must be a minimum of one member of staff trained and available to download evidence at the request of the Police or an authorised officer at all times the premises are open.
5. CCTV warning signs shall be fitted and clearly displayed in public areas of the premises, stating that a CCTV system is in operation.
6. Recordings of incidents must be kept secure for inspection by the Police.

#### **Objection – residents and owners of the site's holiday units**

Seven e-mails have been received, objecting to the application as it stands on the basis of the four licensing objectives, namely

- Crime and Disorder Prevention
- Public Protection
- Public nuisance prevention
- Protection of children from harm

Six of the responses were similar, and noted the same concerns - but as the concerns are valid and relevant to the four licensing objectives, they have been permitted as valid responses.

These responses note that the applicant had not communicated the intention with the owners of the holiday units on the site, although they normally communicated regularly on other matters through e-mails etc.

All the respondents note that they do not object to granting the applicant a licence; the objection relates to the hours of the licensable activities in the application.

Specifically, the grounds of the objections are as follows -

### **1. Prevention of Crime and Disorder**

It is noted that minor offences and disorder can cause problems on the site; and concern is expressed that permitting the licence will increase such behavioural problems on the site. The respondents note that they understand that the applicant is eager to allow members of the public that are not owners of holiday units to visit the premises; that this will create a situation that is difficult to manage, and will lead to an increase in crime and disorder.

It is noted that owners and guests are expected to comply with the site's rules and standards - and that the rules state that alcohol must not be consumed in public areas of the site.

Concerns are noted that the level of supervision from the site security staff is insufficient to ensure that there is no increase in crime and disorder linked to the premises.

### **2. Public Safety**

The respondents are concerned that there is insufficient parking provision for the increase in visitors to the site; and that this will lead to road safety problems on the main road and within the site itself. One respondent notes that he suffered a physical attack in a licensed premises on the site; and notes that conditions should be included on the licence to ensure public safety.

### **3. Prevention of Public nuisance**

The respondents refer to the site rules and standards; and note that owners of holiday units and guests are expected to comply with these rules. It is noted that the applicant refers to the park rules in section M of the application as a measure to ensure that the licensing objectives are supported.

The respondents also note that the park rules state that it is expected that nobody causes a nuisance to other residents between 23:00 at night and 08:00 in the morning. Reference is made to rule 19 that prohibits the playing of music / instruments after 23:00 if the noise is audible from outside the caravans/holiday units.

It is considered that the applicant is inconsistent in this respect, as the application requests consent for live and recorded music indoors and outdoors until midnight, seven days a week.

It is also noted there are concerns regarding the premises' location at the centre of the park; that it has not been insulated against noise and it has a number of speakers located externally.

It is believed that there are approximately 100 residences that could be affected by noise or antisocial behaviour from the premises.

### **4. Protection of children from harm**

It is noted that the expectation that children must be under the supervision of an adult while on the premises is impractical. It is suggested that a specific security supervisor should be designated for the premises.

Full details of the responses can be seen in the report's appendix.

## **RECOMMENDATION**

The Licensing Authority does not believe that the application in its current form offers sufficient details of measures to ensure that the four Licensing objectives are supported.

It is suggested that the applicant offers more details to the Committee; in relation to the intended measures to alleviate the respondents' concerns and to ensure that the Licensing Objectives are not undermined.

It is recommended that the Committee considers the responses that have been received; and makes a decision in accordance with the requirements of the Licensing Act 2003.