
CENTRAL LICENSING SUB-COMMITTEE 11.08.2021

Present:

Councillors: Anwen Hughes (Chair), Gareth T Jones and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Lis Williams (North Wales Police)

2. DECLARATION OF PERSONAL INTEREST

Councillor Gruffydd Williams (Local Member) in relation to item 6 on the agenda, (Premises Licence Application - Siop Traeth Becws Islyn, Nefyn) as his daughter worked in the café.

The Member was of the opinion that it was a prejudicial interest, and therefore he did not attend the meeting.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - TALYBONT UCHAF FARM, TALYBONT, BANGOR

Applicant **Simon and Caroline Higham**

Local Member **Councillor Dafydd Meurig,**

Local residents **Liz Watkins, Meinir Jones, David Pritchard, Grace Crowe, Peter Green, Geraint Hughes and Jên Morris**

Apologies were received from Nigel Pegler, Haf Jones and Tina Moorcroft (local residents) and Aneurin Rhys (Development Control Officer - Planning Service)

The Chair welcomed everyone to the meeting. The Chair highlighted that all parties would be allowed up to 5 minutes to make their representations.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for a converted grade II listed building to include a courtyard, party room and an indoor entertainment area. The application was made in relation to the sale

of alcohol on the premises only, live and recorded music, on and off the premises. 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. Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses that had been received during the consultation period. It was noted that several objections had been received from nearby residents that were relevant to the licensing objectives of noise causing public nuisance, and concerns of a significant increase in traffic on the road leading to the premises

It was recommended that the Committee should approve the application in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given the opportunity to ask questions to the Licensing Manager
- The applicant was invited to expand on the application
- The consultees were given an opportunity to present their observations. The licensee, or their representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee
- Members of the Sub-committee were given an opportunity to ask questions of the consultees

Elaborating on the application, the applicants noted:

- The intention was to create a venue that would offer unique, quality and luxurious events with accommodation.
- That there was no such premises locally - it did not offer the same service as Hendre Hall.
- It would give business assurance to local companies e.g. cleaners, florists
- That two roads lead to the premises and it was proposed to direct traffic to use one specific road. This specific road was suitable with passing places and signage and directions would be shared with visitors to promote use
- They lived at the premises and had a young family - they did not want to encourage noise problems.
- They wanted to work jointly with the community
- They had invited nearby residents to attend a meeting to share information regarding the proposal, however, no one had turned up.

In response to a question regarding the frequency of having up to 150 people attending the site, it was noted that they did not know what the demand would be, however, they anticipated holding up to 15 weddings a year on a Friday or Saturday.

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

The Local Member: Councillor Dafydd Meurig

- There were strong local feelings against the application.

- Noise would disturb the everyday lives of local neighbours and additional traffic would cause problems - traffic to the premises had already increased since the establishment of the business to repair boat engines on the site
- There were two roads to the site and the most convenient/preferred route was very narrow
- It was necessary to check if there was planning permission for the activity - permission had already been granted for Bed and Breakfast but this was a significantly larger enterprise
- The company did not have any respect for local residents
- That noise already filtered from Hendre Hall that was situated on the far side of the A55 - this enterprise would create the same type of noise
- He appealed to the Sub-committee to defer making a decision until planning permission had been considered

Liz Watkin

- That she had seen a significant increase in traffic on the road since she had settled down in the area in 1992 - the road was very narrow with hidden bends / blind corners?
- Permitting the licence would lead to a further increase in traffic
- There was no pavement or street lighting along the road. The hedges were high
- No prior notice of the application had been shared and the proposed use had not been displayed in a public place
- The serving of alcohol late at night was likely to lead to accidents

Meinir Jones

- The application highlighted a total disrespect to the community - the majority of the nearby residents had objected
- The applicant's statement was incorrect - the road was not suitable. The road was a narrow country lane with one 'official' passing place - the rest were field entrances.
- Erecting signage would not alleviate the issue - the signs were not effective - the community's safety had to be considered
- There had been a significant increase in traffic due to recent developments - this caused a public nuisance
- Delivery lorries to the businesses blocked the road at times and damaged trees
- Unable to enjoy going for bicycle ride or walking with a pram due to traffic. Approving the licence for events on the weekend would make it impossible for someone to walk along the road at any time - day and night
- Business is the applicant's only priority - she begged the Sub-committee to prioritise community safety.

Dafydd Pritchard

- Noise already carried from Hendre Hall - permitting the licence would lead to creating more noise from the Talybont Farm site.
- The noise measurements submitted were misleading - it was necessary to measure the noise of people and not the noise made by nature and machinery.
- A notice had been posted at the last minute on a gate - this was very suspicious

Peter Green and Grace Crowe

- Permitting the licence would maximise traffic and noise
- Access to the premises was along a very narrow road
- They had lived in the area since 1999 - it was a quiet and tranquil area until the appearance of the boat repair business and the bed and breakfast business at Talybont Farm. A wedding venue would be a step too far
- Traffic passed their house - the preferred route was not practical - no passing places
- Current business traffic ignored the signs and guidelines to use the recommended road - they were unlikely to use the indirect route
- Allowing music outside would add to the music that already carries from Hendre Hall - repetitive bass beat - offering to make something soundproof was not totally possible
- That the noise measurement test conducted was not thorough enough - there was no consideration given to music and it had been conducted at a quiet time of the day.

Geraint Hughes

- The area was a lovely area - he accepted this and there was a need to 'celebrate this'
- This was a matter of opinion - he was disappointed with the Licensing Manager's recommendation. There was also a need to consider the evidence of residents
- It was only by chance that he had seen the notice posted on the gate of a private road - not in a public place
- The grounds for the refusal of the application would be an increase in noise and traffic - there was a need it was necessary to ignore the noise measurement report - it was not an independent report
- There will be a significant increase in traffic during the evenings and at the weekends (these are currently the only quiet times)
- It was likely that there would be more than 15 weddings a year
- The Highways Department had not objected a recent planning application for the boat business, however, promises were made at that time by the applicant to direct traffic - this had not happened
- Many drivers got lost when trying to reach the premises and therefore had to be re-directed. As a result, the entrance to his property was used for turning - this was a public nuisance
- Approving the application would change the area's character
- Residents needed justice

Jên Morris

A number of people had contacted the Community Council to highlight concerns:

- The impact of the latest proposal on them
- Did the proposal have appropriate planning permission?
- The nature of the traffic to the premises - delivery vans and lorries
- The nature of people coming into the area they behaved differently - a lack of respect for the countryside

Taking advantage of the right to summarise their case, the applicants noted the following points:

- That they accepted the observations and feedback of the residents and reiterated their wish to work jointly with the local community to alleviate traffic and nuisance problems
- They had created a Whatsapp group to share information and to direct traffic - this had reduced the problem, but they promised to do more
- The intention was to create an intimate and private venue
- They lived on the site and they would be present to manage the site at all times - they considered the well-being of their family and the community
- The noise measurement report submitted had been completed for the boat repair business - it was considered that the noise of a boat engine was a good comparison with the noise of a live band
- That they wanted to be part of the community and therefore respected every observation

The applicants, the consultees 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 comments submitted by interested parties, the Licensing Officer's report, and the oral comments from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. All considerations were weighed 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

RESOLVED

To defer the full determination of the application until the applicant has submitted and received planning permission for the proposed use of the premises as anticipated by the premises licence application. If, and when there is appropriate planning permission, this Sub-committee will reconvene to consider the application further, as well as reaching a full resolution

All parties were thanked for making representations on the application. The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives

Specific consideration was given to the following.

Observations had been received from members of the public, many of them being neighbouring residents, objecting to the application referring to the licensing objectives of preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in noise and parking problems. For information, no objections had been received from the Police, the

period. It was noted that objections had been received from neighbouring residents that were relevant to the licensing objectives. Concerns were expressed regarding crime and disorder matters, litter on the beach and concerns about a substantial increase in traffic on the road and the lack of parking spaces.

It was recommended that the Committee approved the application in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given the opportunity to ask questions to the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present their observations.
- The licensee, or their representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- Members of the Sub-committee were given an opportunity to ask questions to the consultees.

in elaborating on the application, the applicant noted:

- The proposal would support local businesses - selling local produce
- The proposal would create local employment

- He had run his bakery in Aberdaron for 10 years without any trouble
- That the sale of alcohol in supermarkets was acceptable
- Staff volunteered to collect litter from the beach - litter that did not come directly from the shop
- The shop contributed to the local economy
- The business was run responsibly and in an orderly manner

In response to a question regarding the need to sell alcohol from 8am, it was noted that from what was seen in Aberdaron, visitors tended to buy gifts of local produce before leaving the area.

The consultee in attendance took the opportunity to expand on the observations he had submitted by letter.

David Robinson

- He had concerns regarding the application - he lived 50m from the premises
- Concern regarding selling alcohol on the beach and safety matters
- That the benches that had been placed on the public road prevented traffic
- The benches created a bar environment
- The applicant used public bins for commercial waste - need to adhere to correct procedures
- Staff used disabled parking spaces
- No pavement on the road that leads to the café
- The licence was open to new problems
- That the produce was special - the sale of alcohol would not add to this - if something it would be detrimental to the area

Taking advantage of the opportunity to summarise the case, the applicant noted the following points:

- That the litter came from the beach and was therefore placed in public litter bins
- That there was a need to adhere to the requirements of the licence or it would be revoked
- That the issue around the benches and their location had been discussed with Gwynedd Council officers and their location was acceptable
- There were no traffic problems
- The intention was to raise standards and not to cause problems

The applicant, the local resident 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 written representations submitted by interested parties and the Licensing Officer's report together with verbal comments from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. All considerations were weighed 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

RESOLVED to approve the application

The licence was issued as follows:

1. Opening hours

Sunday - Saturday: 08:00 – 20:00

2. Recorded music indoors:

Sunday - Saturday: 08:00 – 20:00

3. Supply of alcohol to be consumed on and off the premises

Sunday - Saturday: 08:00 – 20:00

4. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives

Specific consideration was given to the following:

Observations had been received from members of the public (neighbouring residents) objecting to the application referring to the licensing objectives of preventing crime and disorder, preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in crime, litter on the beach, traffic and lack of parking spaces. For information, no objections had been received from the Police, the Fire and Rescue Service, the Council's Public Protection Unit or the Council's Highways Department.

The Sub-committee highlighted that it accepted that some concerns expressed regarding the application were genuine. However, the Sub-committee was of the opinion that insufficient evidence had been submitted to prove that these problems were likely to happen should the licence be granted, and that it would be contrary to the licensing objectives.

A concern was highlighted that granting the licence would lead to an increase in crime with the application undermining the licensing objective of preventing crime and disorder. However, no evidence had been submitted to support the allegation beyond general allegations that could be attributed to any licensed premises nearby, and it was not explained why these premises in particular would be likely to cause a noise problem more than others. It appeared that the observations had been submitted on the grounds of speculation and not evidence - this was not legal grounds to make a decision - according to the High Court in R (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin). It was also considered that no objections had been received from the Police. Although the absence of objections from the Police did not determine the matter, it was a relevant position. Should a problem with

crime be likely to arise, it was the responsibility of the Police to highlight this. Under the circumstances, the Sub-committee had not been persuaded that granting the licence would undermine the objective of preventing crime and disorder.

When considering concerns regarding litter, observations were received on the grounds of speculation rather than firm evidence and no observations had been received from the Public Protection Department. Under the circumstances, the Sub-committee had not been persuaded that a litter problem would arise as a result of granting the licence, not to mention one that would reach the threshold of causing a public nuisance.

In considering concerns about road safety, lack of parking spaces and increase in traffic, it was accepted that in principle these concerns could be relevant to the objective of protecting public safety. However, these concerns were based on the grounds of speculation rather than evidence and had not been supported by the Police, Fire and Rescue Service, Ambulance Service and the Council's Highways Service. If approving the application was likely to create an increase in traffic that would cause a risk to road safety, the Sub-committee would have expected that observations from the official agencies would highlight this. In light of the lack of evidence and observations from experts in the field, the Sub-committee had not been persuaded that granting the licence was likely to undermine the licensing objective of ensuring public safety.

While the Sub-committee understood and accepted the concerns of residents about the application, a decision had to be made on legal grounds and based on robust evidence that was relevant to one or more of the licensing objectives. Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was present. 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 PREMISES LICENCE – VAYNOL ARMS, PENTIR, BANGOR

Applicant **David Hughes**

Local Member **Councillor Menna Baines**

Officers: **Ffion Muscroft (Environmental Health Officer)**

Apologies were received from Dr Wyn James and Dr Caroline Lamers (local residents)

The Chair welcomed everyone to the meeting. The Chair highlighted that all parties would be allowed up to 5 minutes to make their representations.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Vaynol Arms, Pentir, Bangor which was a public house and restaurant with an outdoor area at the back of the premises. The application was made in relation to playing recorded music on the premises, playing live music, late night refreshments and the sale of alcohol, on and off the premises.

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. Reference was made to the measures that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses that had been received during the consultation period. It was noted that objections had been received from neighbouring residents, that were relevant to the licensing objectives. Concerns were expressed regarding noise matters and an increase in traffic and parking matters and it was suggested that the hours for the sale of alcohol should be reduced until 23:00 during the week and Sundays, and until 00:00 on Fridays and Saturdays. Observations had been received from the Public Protection Department outlining concern regarding the hours to play live music outdoors. It was highlighted that the applicant had agreed to withdraw this and to request live and recorded music only for the indoors of the premises.

It was recommended that the Committee approved the application in accordance with the observations of Public Protection and the requirements of the Licensing Act 2003

In considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given the opportunity to ask questions to the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present their observations.
- The licensee, or their representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- Members of the Sub-committee were given an opportunity to ask questions to the consultees.

in elaborating on the application, the applicant noted:

- That the business had been using temporary events notices, however, by now he wanted to avoid using these
- That he was focusing on running a restaurant business rather than a public house
- The previous licence of the public house permitted opening up to 01:00 - there was no intention to open until 01:00 - staff wanted to go home
- Food service would end at 20:30
- That the hours were for occasional use such as staging weddings and/or promoting and supporting community events
- He had agreed to withdraw the playing of live music outdoors from the application
- He wanted to work jointly with the community

In response to a question regarding how the licence holder would alleviate community concerns, it was noted that the public house had been on the site for many years. It was added that new windows had been installed together with signage requesting visitors to respect neighbours and to be quiet when leaving the public house. He also noted that he had been using temporary notices for three weeks without causing any trouble.

The Licensing Manager confirmed that the applicant had removed the playing of music outdoors from the application and had agreed to the Public Protection conditions to control noise. She added that the requirements of the licence were lower than the previous licence.

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

Ffion Muscroft (Environmental Health Officer)

- Initial concerns regarding outdoor noise had by now been satisfied following a discussion with the applicant to amend the application.
- It was accepted that the applicant wanted to focus on running the restaurant
- A request for the applicant to consider the noise conditions

Local Member Councillor Menna Baines

- She welcomed the re-opening of the public house, however, there were concerns amongst the community regarding the opening hours, noise nuisance and an increase in traffic. She stressed that there was no wish to see the premises close following re-opening, however, the concerns had to be discussed
- Concern that late opening would be a regular feature - occasional events were accepted, however, was it possible to consider reducing the hours?

In response to a comment regarding the hours, the Licensing Manager noted that the application's hours were acceptable within a community area and the applicant had

sought hours that were more than the proposal because of the flexibility to make use of the 'occasional'

Taking advantage of the opportunity to summarise the case, the applicant noted the following points:

- The application hours were no later than the previous application
- He was willing to work with the Public Protection Department in the future
- He confirmed that he was willing to accept the noise conditions
- That he ran a small company that was trying to generate business - he had another two public houses in the area

The applicant, the consultees 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 written representations submitted by interested parties and the Licensing Officer's report together with verbal comments from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:

- I.i. Prevention of crime and disorder
- I.ii. Prevention of public nuisance
- I.iii. Ensuring public safety
- I.iv. Protection of children from harm

RESOLVED to approve the application

The licence was issued as follows:

- 1. Opening hours**
Sundays: 11:00 - 00:30
Friday - Saturday: 11:00 – 01:30
- 2. Live music indoors**
Sundays: 11:00 - 23:00
Friday - Saturday: 11:00 – 00:00
- 3. Recorded music indoors**
Sundays: 11:00 - 23:00
Friday - Saturday: 11:00 – 00:00
- 4. Late night refreshments**
Sunday - Saturday: 23:00 – 00:00
- 5. Supply of alcohol to be consumed on and off the premises**
Sundays: 11:00 - 00:00
Friday - Saturday: 11:00 – 01:00
- 6. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**
- 7. Incorporated as licence conditions the recommended noise control conditions as recommended by Public Protection.**

All parties were thanked for making representations on the application.

The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives

Specific consideration was given to the following.

Observations had been received from members of the public (neighbouring residents) objecting to the application referring to the licensing objectives of preventing public nuisance and ensuring public safety. In summary, concerns were expressed that granting the licence would be likely to lead to an increase in noise and traffic in the area. Observations had been received from the Public Protection Department recommending conditions to control noise and it was confirmed that the applicant had agreed to remove the request to play live music outdoors.

The Sub-committee gave due consideration to all the representations. The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the licensing objectives

Specific consideration was given to the following.

The Sub-committee highlighted that it accepted that some concerns expressed regarding the application were genuine. However, the Sub-committee was of the opinion that insufficient evidence had been submitted to prove that these problems were likely to happen should the licence be granted, and that it would be contrary to the licensing objectives.

A concern was highlighted that granting the licence would lead to an increase in noise problems and as a result would undermine the licensing objective of preventing public nuisance. However, no evidence had been submitted to support the allegation beyond general allegations that could be attributed to any licensed premises nearby, and it was not explained why these premises in particular would be likely to cause a noise problem more than others. No evidence was submitted regarding the number, density, frequency of potential incidents of noise should the licence be granted and without this data it was impossible for the Sub-committee to come to a decision that the issues anticipated would be likely to reach the threshold of public nuisance considerations under law. It appeared that the observations had been submitted based on speculation and not evidence - this was not legal grounds to make a decision - according to the High Court in *R (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin). Consequently, the Sub-committee did not see any grounds for granting the licence for shorter hours (as requested by residents in their observations), than what was requested by the applicant.

The applicant confirmed that he had withdrawn his original application for a licence to play live music outdoors and that he was satisfied with the noise control conditions recommended by the Public Protection Department. Under the circumstances, the Sub-committee dealt with these matters as amendments to the application.

In considering concerns about road safety, lack of parking spaces and increase in traffic, it was accepted that in principle these concerns could be relevant to the objective of protecting public safety. However, these concerns were based on the grounds of speculation rather than evidence and had not been supported by the Police, Fire and Rescue Service, Ambulance Service and the Council's Highways Service. If approving the application was likely to create an increase in traffic that would cause a risk to road safety, the Sub-committee would have expected that observations from the official agencies would highlight this. In light of the lack of evidence and observations from

experts in the field, the Sub-committee had not been persuaded that granting the licence was likely to undermine the licensing objective of ensuring public safety.

While the Sub-committee understood and accepted the concerns of residents about the application, a decision had to be made on legal grounds and based on robust evidence that was relevant to one or more of the licensing objectives. Under the circumstances, the Sub-committee was satisfied that the amended application was in accordance with the four licensing objectives. The application was approved.

The Solicitor reported that the decision would be confirmed formally by letter to everyone who was present. 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 14:00 and concluded at 18:00