

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>26 May 2023</b>
<b>TITLE:</b>	<b>REQUEST FOR VARIATION OF THE PREMISES LICENCE - BRYNTEG HOLIDAY PARK, LLANRUG, GWYNEDD, LL55 4RF</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT</b>

## **1. APPLICATION RECEIVED**

- 1.1** An application is appended to vary the premises licence of Bryn Teg Holiday Park Llanrug, Caernarfon, LL55 4RF from Park Holidays Ltd., Bexhill-on-Sea. The application seeks permission to amend the location plan of the licensed bar area of y Lolfa and the eating area only. In addition, permission is sought to add the licensable activities of Plays, Boxing and Wrestling, and indoor dance performances only Monday to Sunday 09:00 in the morning until midnight; on to the licence.
- 1.2** It was confirmed that every other part of the outlined plan for the licensed area remains the same, and that the licensed activities and hours on the current licence will remain the same. Also a request has been made to change a condition on the licence in the context of the changes to the outlined plans.
- 1.3** The applicant is not proposing any additional measures to those on the operational schedule of the current licence, in order to promote the licensing objectives.
- 1.4** There is no change to the licensed activities hours, nor to the conditions in the operating schedule.
- 1.5** The officers of 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.
- 1.6** Several objections have been received from nearby residents; further details of which are contained in the report.

See the attached table for full details of the proposed variation:

<b>Trwydded Bresennol/Current Licence</b>		<b>Trwydded Arfaethedig/Proposed Licence</b>	
<b>Oriau Agor/Opening Hours</b>			
Sunday	24hours	Sunday	24hours
Dydd Llun/Monday	24hours	Dydd Llun/Monday	24hours
Dydd Mawrth/Tuesday	24hours	Dydd Mawrth/Tuesday	24hours
Dydd Mercher/Wednesday	24hours	Dydd Mercher/Wednesday	24hours
Dydd Iau/Thursday	24hours	Dydd Iau/Thursday	24hours
Dydd Gwener/Friday	24hours	Dydd Gwener/Friday	24hours
Dydd Sadwrn/Saturday	24hours	Dydd Sadwrn/Saturday	24hours

## Gweithgareddau Trwyddedadwy/Licensable Activities

### Dramau/Plays: Dan do: Indoors

Dim ar y drwydded gyfredol.  
Not on the current licence

### Ffilmiau/Films: Dan do :Indoors

Dim ar y drwydded gyfredol. Not on the current licence

### Digwyddiadau Chwaraeon dan do :: Indoor Sporting Events:

Dim ar y drwydded gyfredol.  
Not on the current licence

### Adloniant bocsio a restlo: Boxing or wrestling Dan do :: Indoors

Dim ar y drwydded gyfredol.  
Not on the current licence

### Dramau/Plays: Dan do: Indoors

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

### Ffilmiau/Films: Dan do :: Indoors

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

### Digwyddiadau Chwaraeon dan do :: Indoor Sporting Events:

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

### Adloniant bocsio a restlo: Boxing or wrestling Dan do :: Indoors

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

**Cerddoriaeth Fyw/Live Music: Dan do ac Awyr Agored :: Indoors and Outdoors**

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

**Cerddoriaeth wedi ei Recordio/Recorded Music: Dan do ac Awyr Agored :: Indoors and Outdoors**

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

**Perfformiadau Dawns/Performance of Dance:**

Dim ar y drwydded gyfredol/not on current licence

**Cyflenwi lluniaeth hwyr y nos :Provision of Late Night refreshment**

Dydd Sul/Sunday	23:00	-	24:00
Dydd Llun/Monday	23:00	-	24:00
Dydd Mawrth/Tuesday	23:00	-	24:00
Dydd Mercher/Wednesday	23:00	-	24:00
Dydd Iau/Thursday	23:00	-	24:00
Dydd Gwener/Friday	23:00	-	24:00
Dydd Sadwrn/Saturday	23:00	-	24:00

**Cyflenwi Alcohol/Supply of Alcohol: Ar ac oddi ar yr Eiddo :: Both on and off the Premises**

Dydd Sul/Sunday	09:00	-	02:00
Dydd Llun/Monday	09:00	-	02:00
Dydd Mawrth/Tuesday	09:00	-	02:00
Dydd Mercher/Wednesday	09:00	-	02:00
Dydd Iau/Thursday	09:00	-	02:00
Dydd Gwener/Friday	09:00	-	02:00
Dydd Sadwrn/Saturday	09:00	-	02:00

**Cerddoriaeth Fyw/Live Music: Dan do ac Awyr Agored :: Indoors and Outdoors**

Fel trwydded gyfredol :: same as current licence

**Cerddoriaeth wedi ei Recordio/Recorded Music: Dan do ac Awyr Agored :: Indoors and Outdoors**

**Dim newid / No change**

**Perfformiadau Dawns/Performance of Dance:**

**Dan Do:: Indoors**

Dydd Sul/Sunday	09:00	-	24:00
Dydd Llun/Monday	09:00	-	24:00
Dydd Mawrth/Tuesday	09:00	-	24:00
Dydd Mercher/Wednesday	09:00	-	24:00
Dydd Iau/Thursday	09:00	-	24:00
Dydd Gwener/Friday	09:00	-	24:00
Dydd Sadwrn/Saturday	09:00	-	24:00

**Cyflenwi lluniaeth hwyr y nos :Provision of Late Night refreshment**

**Dim newid/ no change**

**Cyflenwi Alcohol/Supply of Alcohol: On and off the Premises ::**

Dim newid/ no change

**Gwneir cais i amrywio'r drwydded eiddo a gofynnir am newid yr amod canlynol er mwyn cyd fynd gyda'r newidiadau i'r cynllun amlinellol –**

The application to vary the premises licence is made and it is requested that the following condition is amended so as to incorporate the changes to the layout plans -

**‘Mae’r eiddo yn gweithredu yn unol â pholisi iechyd a diogelwch syn ymwneud â pharatoi bwyd. Rydym yn sicrhau bod ein gwasanaethau wastad yn hygyrch i bobl anabl, a bydd staff wastad yn rhoi cymorth pan fo angen. Mae cynwysyddion ar yr eiddo wedi eu gwneud o wydr gwydn. Ni chaiff cwsmeriaid fynd â chynwysyddion agored megis gwydrau a photeli or bar, ac eithrio i’r ardal batïo o flaen y pwll nofio ac i’r ardal batïo gyferbyn â’r brif fynedfa i’r bar uchaf.’**

‘The premises operate in accordance with a health and safety policy involved in the preparation of food. We ensure that our services are always accessible for disabled persons and staff will always assist when necessary. Containers on the premises are of toughened glass. Customers are not allowed to take from the bars open containers such as glasses and open bottles, except onto the patio area in front of the swimming pool and on the patio area adjacent to the main entrance of the upper bar.’

**Mae’r amod diwygiedig fel a ganlyn -**

The proposed amended condition is as follows –

**‘Maer eiddo yn gweithredu yn unol â pholisi iechyd a diogelwch syn ymwneud â pharatoi bwyd. Rydym yn sicrhau bod ein gwasanaethau wastad yn hygyrch i bobl anabl, a bydd staff wastad yn rhoi cymorth pan fo angen. Mae cynwysyddion ar yr eiddo wedi eu gwneud o wydr gwydn. Ni chaiff cwsmeriaid fynd â chynwysyddion agored megis gwydrau a photeli agored tu allan i’r ardaloedd trwyddedig fel y danghosir ar y cynlluniau amlinellol a atodir i’r Drwydded Eiddo’**

‘The premises operate in accordance with a health and safety policy involved in the preparation of food. We ensure that our services are always accessible for disabled persons and staff will always assist when necessary. Containers on the premises are of toughened glass. Customers are not allowed to take from the bars open containers such as glasses and open bottles outside the licenced areas as shown on the layout plans attached to this Premises Licence’

## **2. Measures recommended by the applicant to promote the licensing objectives**

- 2.1** The measures recommended by the applicant are identical to the current licence, except for the additional condition recommended, see the above table.
- 2.2** Full details of the promotion measures in relation to the licensing objectives can be found in the operating schedule of the current licence in the appendix to the report.

## **3. CONSULTATION**

- 3.1** The application was consulted upon and the following responses were received -

<b>RESPONSES</b>	<b>REPRESENTATIONS</b>
Local residents	1 Letter and 9 E-mails - objection
Public Protection Department	Observations on the draft application
North Wales Police	No objection
Local member	e-mail objection
Community Council	E-mail objecting

- 3.2 Neighbouring residents** - The objections to the application were mainly based on the licensing objective of preventing public nuisance, but also some other matters had been raised that were relevant to the licensing objective of ensuring public safety

- 3.3** Every objection received by local residents, note experiences of disruption due to noise from the holiday park over the past few years. Various residents noted that the noise had been bad enough and was happening regularly enough that they had to complain on a number of occasions to the local councillor, and to the Council. Some residents noted that the problems had worsened over the past few years under the recent owners; and there was an allegation from one respondent that noise had even originated from activities at Bryn Teg Park when strict measures under Covid Restrictions remained in place.
- 3.4** It was noted in some of the responses that there were occasions when doors and windows were not being closed during entertainment inside the building; and as a result that noise could be heard clearly and loudly in dwellings outside the park.
- 3.5** A number of respondents noted that they had complained directly to Bryn Teg managers, but that this had not led to any improvement in the noise nuisance at all.
- 3.6** Some of the respondents noted that they work shifts, or work from home, and the noise nuisance therefore creates problems during the day and the evening.
- 3.7** It can be seen that a number of respondents had noted that glass bottles were being emptied into recycling containers outside late at night after licensed activities has come to an end. This was despite the fact that there was a condition on the property's current operating schedule noting that this was not meant to happen - *'The work of clearing rubbish such as bottles and placing them in containers outside the bar areas will take place when it would minimise disruption as much as possible on the park residents'*.
- 3.8 Public Safety concerns** - One responder was of the opinion that the bar area was very small for the number of intended customers; and a number of respondents noted that the road to the entrance of Bryn Teg was narrow, busy and dangerous.
- 3.9 Local Member and Community Council Concerns** - The Community Council Clerk noted that there was a high number of calls from residents objecting to the application due to concerns regarding the continuation and increase in noise nuisance from current and proposed licensed activities at Bryn Teg Park. An extraordinary meeting of the Council was arranged to discuss the concerns. On the basis of these concerns, the Community Councillors came to the conclusion that the application had to be opposed - on the basis that the noise problems from Bryn Teg were likely to worsen with additional activities such as showing wrestling and boxing - as such sport supporters tend to be noisy. It was understood that the Park managers had met with members of the Community Council and some residents; and that the residents were not convinced with the promises made.
- 3.10** The Local councillor acknowledges that the company was an important employer in the area; and contributes to the area's economy. Despite this, he noted that he had received various complaints regarding noise nuisance since he was elected as councillor in 2017; and that the complaints increase during the summer weeks when the doors and windows were open.
- 3.11** It is noted that the Councillor is making a valid point that 300 caravans are located on Bryn Teg Holiday Park; and although it is a rural location; that a variety of dwellings were located on the outskirts of the park.
- 3.12** Furthermore, the Councillor noted that he had brought the noise nuisance problems to the attention of the council's Public Protection Officers; and that he was aware that the officers

had discussed the noise problems with the managers of the park; and although the officers gave advice on noise reduction, there had been no improvement in the situation.

**3.13** The councillor recommends that the decision on the application is postponed until the owners and the Park managers put effective noise control and mitigation measures in place for the current licensed activities that are held on the site.

**3.14 Observations of Public Protection Officers** - officers had confirmed that noise complaints had been received from local residents regarding licensed activities at the Holiday Park, and that an effort had been made to get the Park managers to mitigate the noise.

**3.15** Confirmation was also received that lawyers on behalf of the owners had contacted the Public Protection Officers to present a draft application for observations. The draft application was regarding the additional licensed activities indoors and outdoors. The applicant's legal representative agreed to present an application for additional licensed activities indoors only as the officer had declared that noise complaints had been received following a recent Temporary Event Notice application for an outdoor broadcast of a film. Furthermore, the officer confirmed that noise complaints were being received for licensed activities on the park under the current licence.

#### **4.0 Conclusions and Recommendations**

**4.1** The applicant had attempted to some extent to identify that there were noise problems; by contacting the Public Protection Officers for observations on a draft application to vary the premises licence.

**4.2** An opportunity however had been lost to identify and fully get to grips with the noise problems. Although the application presented is only asking for additional licensable activities on the same hours as the current licence, indoors only; the applicant has not offered to restrict the licensed entertainment activities of the current licence to be indoors only.

**4.3** In addition, the applicant has failed to identify that more effective measures needed to be included to control noise in the operating schedule and had not proposed improvements or further measures. Note, from the operating schedule of the current licence seen in the appendix to the report; that only the following clause proposed as a measure to ensure there was no public nuisance - *'The location of this property is in such a remote area that it would not cause nuisance to any person residing in the vicinity. The work of clearing rubbish such as bottles and placing them in containers outside the bar areas will take place at times when it would minimise disruption as much as possible on the park residents.'*

**4.4** This clause in the operating schedule was wrong in its assessment that the licensable activities were not going to create nuisance as the location was in a remote area. Various residential properties are located close to the park. In addition, respondents to this application had testified that not one of the noise conditions in the schedule was being implemented; with many complaining that bottles were being emptied into external containers late at night.

#### **5. RECOMMENDATION**

**It is recommended that this Committee refuse the application on the basis of the evidence presented; unless the applicant can propose noise control measures in the operating schedule, and restrict the licensable activities to indoors only.**