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# CENTRAL LICENSING SUB-COMMITTEE 13 September 2023

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**Present:**

**Councillors:** Elfed Williams (Chair), Edgar Owen and Huw Rowlands

**Officers:** Siôn Huws (Solicitor), Lyndsey Thomas (Licensing Officer) and Lowri Haf Evans (Democracy Services Officer)

**1. APOLOGIES**

None to note.

**2. DECLARATION OF PERSONAL INTEREST**

None to note.

**3. URGENT ITEMS**

None to note.

**4. APPLICATION FOR A TEMPORARY EVENT - BRAICH GOCH INN, CORRIS**

TEMPORARY EVENT application - extension of licensed activities hours for a fund-raising event for charities on 22 September 2023

**Others invited:**

- Maria P de la Pava Catano (Applicant)
- Mark Mortimer (Public Protection Officer)
- Councillor John Pughe Roberts (Local Member)

The Chair welcomed everyone to the meeting.

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

Submitted - the report of the Licensing Officer giving details of the application for a temporary event at Braich Goch Inn, Corris Machynlleth, for an extension to the hours of licensable activities inside the property for a charity fundraising event on 22 September 2023.

- Use of the indoor bar area that is connected to a bunkhouse building for the sale of alcohol and to host live music until 11pm and a DJ until 02:00am.
- Provide licensed activities for a maximum of 100 persons.

It was reported that an objection had been received to the application from the Public Protection Enforcement Officer as the applicant had not responded to discuss a compromise regarding the hours. It was explained that it was merely the Council (fulfilling its Environmental Health responsibilities) and the Police who have the power to object any temporary events notice and that there was no public consultation for the temporary events system.

Attention was drawn to the responses received during the consultation period. It was noted that that observations were submitted by the Public Protection Enforcement Officer regarding concern that the event would undermine the licensing objectives of preventing public nuisance. The officers of the service received two complaints regarding music noise disturbance during May 2022 until 01:30 (beyond the hours permitted on the licence). A temporary event notice was not in place to grant the licensed activities beyond what had been permitted under the licence.

It was explained that since noise complaints due to unauthorised licensed activities had been received in May 2022, an e-mail had been sent (21-08-23) from the Public Protection Service to the licence holder to offer a compromise, as the application notes terminating the hours of regulated entertainment at 02:00. The Public Protection Officer offered terminating the licensed activities at 00:30, half an hour later than the current licence. This was considered a fair compromise, and that it would give the licence holder an opportunity to prove their ability to organise entertainment without disturbing nearby residents.

Despite this, no response was received to the compromise and as a result, the Licensing Authority recommended the refusal of the application on the grounds of:-

- A complaint about hosting licensed activities outside the licence's time limit.
- Complaints of a noise disturbance following entertainment held in May 2022.
- A lack of any response from the applicant to the offer for a compromise on the hours requested.

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 their 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 their representative.
- At the Chair's discretion, the Council's representative to ask questions to the applicant or their representative.
- Every Consultee was invited to support any written representations.
- The Council's representative and the applicant or their representative were given the opportunity to summarise their case.

c) Elaborating on the application, the applicant noted:

- That she apologised for failure to respond to the e-mails; she accepted the compromise and was not aware of the necessity to confirm this with the Officer.
- Letters apologising for the noise had been sent out to nearby residents following the event of May 2022, and that they now notify the local residents of organised events.
- That Braich Goch was run as a charity, a social hub and worked closely with the community - the intent was to build a good relationship of collaboration with the community.
- That the event would raise money to improve the building and although it would be a charity event, the charity was attempting to be self-sufficient.

In response to a question regarding response to the letters of apology, it was noted that they were not aware of who had complained and therefore letters were sent to all nearby residents, as well as conducting door-to-door visits. Generally, the response was good.

In response to a question regarding the capacity of the premises, it was noted that the premises held up to a 100 people. In response to an ancillary question regarding keeping control and ensuring the safety of attendees, it was noted that four volunteers as well as two staff members would be working on the night. The doors and windows would be closed with door supervisors watching the doors. A risk assessment would be completed for every event.

The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them.

**Mark Mortimer (Public Protection Officer)**

- That the applicant's response to the compromise (since receiving an invitation to attend the sub-committee) was unfortunate.
- He accepted that the applicant was satisfied with the addition of half an hour - it would be a test of their ability to conform.
- Following the complaints from May 2022, Public Protection was wary of approving a temporary events licence for September 2023 - no information had been received.
- The applicant was now aware of the procedure and therefore this would avoid any future confusion.
- Public Protection were willing to approve the temporary events application for 22 September 2023.

Taking advantage of the right to sum-up their case, the applicant noted;

- That she apologised for the misunderstanding. That they would make every effort to cooperate with Public Protection in the future.

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

Representations submitted which were irrelevant to the above objectives were disregarded.

**RESOLVED: To approve the application subject to terminating the licensed activities at 00:30 (half an hour later than the current licence) in accordance with the Public Protection Enforcement Officer's recommendation agreed upon with the applicant.**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** there was no evidence of crime and disorder as a basis to justify objecting to the application.

In the context of **Prevention of Public Nuisance** An objection was received to the application as complaints had been received from nearby residents regarding music noise disturbance to an event held at the premises in May 2022. As a result, a compromise was suggested by the Public Protection officer for the event in September 2023. Although the applicant did not respond to the Officer's recommendation within the appropriate period, the Sub-committee received the applicant's observations in the meeting of their willingness to cooperate and agree with the recommendation to terminate the licensed activities at 00:30. It was also considered that the applicant had responded well to complaints from an event during September 2022 and that they were prepared to work with the community.

In the context of **Ensuring Public Safety**, although the Sub-committee had concerns regarding the number of people attending the event and the suitability of the property for the amount of people, an observation was received that a risk assessment would be completed for every event and that door supervisors would be employed to ensure order on the night.

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 that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 1.00pm and concluded at 1.35pm.