
CENTRAL LICENSING SUB-COMMITTEE

26 JANUARY 2024

Attendance:

Councillors: Elfed Williams (Chair), Linda Ann Jones and Edgar Owen

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. **APOLOGIES**

Apologies were received from Cllr Huw Rowlands (due to technical problems he could not join the meeting) and Mr Dilwyn Jones (Local Resident)

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note.

4. **PREMISES LICENCE APPLICATION:**

B&M, Stryd Madog, Porthmadog, LL49 9BU

Others invited:

- Richard Williams (Applicant's representative)
- Councillor Nia Wyn Jeffreys (Local Member)

The Chair welcomed everyone to the meeting.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for B&M, Stryd Madog, Porthmadog by B&M Retail. It was noted that B&M Retail operated a chain of over 500 shops across Wales, England and Scotland and was a shop that offered a wide range of home goods, a mixture of food and hardware, of a good quality but at affordable prices. The application was made requesting the right to sell alcohol to customers to be drank 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.

Attention was drawn to the responses received during the consultation period. It was noted that neither North Wales Police, the Fire Service nor the Public Protection Service

had an objection to the application, but observations were received from a local resident and the Local Member reiterating the local resident's concerns. The grounds of these concerns were that the hours requested (from 7:00 to 23:00 daily) could undermine the licensing objective of preventing public nuisance and following a series of historical noise complaints connected to the site.

As a result, the Licensing Authority recommended that the Committee considered the observations of the responders, and response of the applicant to the concerns, and approved the application.

- 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's representative noted as follows:
- The B&M shop in Porthmadog had now opened.
 - Despite the disappointment of Wilko closing, it was good news that B&M had taken the unit
 - Accepted the observation that the opening times were different to Wilko's opening times.
 - That evidence had not been submitted highlighting public nuisance.
 - B&M shops existed across the country and this application for a licence was consistent with other B&M shops.
 - That there was no intention to trade up to 23:00 every day - this was for the flexibility to open later in December. The likely hours would be Monday to Saturday 7:00 - 21:00 and Sunday 10:00 - 16:00.
 - He did not have a response to the noise complaints.
 - That B&M was a responsible company and despite it seeming that it was cheap, the produce / alcohol was not cheap – and compared well with other supermarket prices.
 - That there were no alcoholic drinks ready to be drunk sold in the shop, and there were no freezers to keep cold alcoholic drinks on the site.
 - If concerns / problems arose, then the company will try its best to solve them.
- ch) In response to a question, the applicant's representative confirmed that the Sunday opening hours would be from 10:00 to 16:00 and if the licence was approved, to close at 23:00 every other night, the company would have the right to determine closing hours (whether it be 21:00 or 23:00)
- d) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them. Attention was drawn to the observations submitted by the consultees who were not in attendance.

Councillor Nia Jeffreys (Local Member)

- That the development was to be welcomed and the observations did not reflect on the presence of B&M in the town.
- She reiterated the local resident's concerns regarding the residents of Heol Madog.
- That there had been problems on the site since the nineties, with a dispersal order given to this area by the Police in August 2020 - as a result of 'making noise in a public place'.
- Accepted that there was no objection presented by the Police, but that there was high demand on the Police's work now.
- Accepted that the likely trading hours would be 21:00 and not 23:00.
- Suggestion to the Sub-committee to approve the licence until 21:00 and if it needs to open until 23:00, then a temporary event notice request would be presented.

- dd) Taking advantage of the opportunity to summarise their case, the applicant's representative noted
- That he was not aware of the dispersal order.
 - With the shop being open later and occupied, this would stop people from convening.
 - A CCTV will be installed inside and outside the premises. This would be beneficial and a way to stop people from convening in the area.
 - Submitting a temporary events notice for extending the hours in December would be possible, but the process of doing that was cumbersome. Keeping to 23:00 would give consistency throughout the company (training and communication)
- e) Taking advantage of the opportunity to summarise their case, the Licensing Manager noted that she was happy with the observations by the applicant's representative and agreed with the opening hours that had been suggested to mitigate the concerns of the neighbourhood.

All parties were thanked for making observations 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 observations 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

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

RESOLVED: To approve the application:

Opening hours:

Sunday	07:00 – 23:00
Monday	07:00 – 23:00
Tuesday	07:00 – 23:00
Wednesday	07:00 – 23:00
Thursday	07:00 – 23:00
Friday	07:00 – 23:00
Saturday	07:00 – 23:00

Licensable Activities:

Alcohol Consumption on and off the Premises

Sunday	07:00 – 23:00
Monday	07:00 – 23:00
Tuesday	07:00 – 23:00
Wednesday	07:00 – 23:00
Thursday	07:00 – 23:00
Friday	07:00 – 23:00
Saturday	07:00 – 23:00

To include the additional measures presented in Section M of the application, as conditions on the licence

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application. No evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Public Safety** no evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Prevention of Public Nuisance**, observations that there had been noise problems in the area since a shop opened on the site in the nineties were received. However, the Public Protection Service did not object the application and they had not presented any evidence of noise problems. Appreciating the concerns expressed by the local resident, and the Local Member, the Sub-committee was not of the opinion that there was evidence to suggest that approving the application would lead to problems under this heading.

It was considered that the opening hours was a Planning matter and the observation by the applicant's representative was accepted that the normal closing time would be 21:00 with the flexibility to open until 23:00 in December. The Sub-committee were also aware that there were other supermarkets in the town and their trading hours were considered to ensure consistency. The Sub-committee also accepted that there was an intention to include conditions on the licence noting that managers and staff would take steps to ensure that customers did not convene outside of the premises, and contact the police if needed.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle. The application also included an explanation of the measures to ensure that alcohol would not be sold to those under age, and the licence would include conditions to this end.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

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 10:30 and concluded at 11:20