
CENTRAL LICENSING SUB-COMMITTEE 26.11.20

Present: **Councillors** : Elfed Williams (Chair), Annwen Hughes and Steve Collings

Officers: Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic 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 PREMISES LICENCE – ABER FALLS DISTILLERY

On behalf of the premises: Christopher James Wright (Applicant)

Others invited: Ffion Muscroft – Environmental Health Officer
 Joan Underwood, Nicolette Whiting and Ann Pennell
 (Local Consultees)

The Chair welcomed everyone to the meeting.

The Chair highlighted that each party had the right to up to five minutes to present their observations

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

Submitted – the report of the Licensing Manager giving details of the application to vary a premises licence for Aber Falls Distillery, Station Road, Abergwyngregyn. The application was made in relation to the sale of alcohol on and off the premises, film showings, live and recorded music, dance performances and the provision of late night refreshments.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that since the report had been published, the applicant had agreed to a reduction in the hours, and therefore the application was being considered as an amended application. 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 received during the consultation period, and it was noted that neither the Police nor the Fire Service had objections. The applicant also agreed to the Public Protection Department's conditions regarding a compromise to the opening hours.

- b) In considering the application, the following procedure was adhered to:-
- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager
 - The applicant was invited to expand on the application
 - Consultees were given an opportunity to present their observations
 - The licensee, or his/her 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 consultee
- c) In expanding on the application, the applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to collaborate with the community
 - The application did not relate to a bar, but rather to a Bistro, with alcohol served solely with food. The Bistro would include a seating area for up to 35 people
 - Special events for marketing / promoting local foods and produce would be held in the Visitor Centre - these would be invitation-only events
 - The Visitor Centre would be a platform to showcase local produce
 - Stringent rules and operational guidelines were in place to control the numbers in the production area
 - The use of a temporary event notice would be appropriate for special events
 - The intention was not an entertainment venue, but rather a food and drinks centre
- ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations submitted by letter.

Joan Underwood

- She lived within 100 yards of the Distillery
- The enterprise was likely to disrupt her daily life - concerns about noise
- The application had been submitted without her knowledge and communication was difficult
- She would appreciate more information about the delivery and distribution arrangements as they had shared access, and also about future events
- The lights from the bistro would be bright at night

- The village would experience an increase in additional traffic - a need to consider the limitations of the infrastructure

Nicolette Whiting

- Many lorries would travel to and fro, which would affect the village residents
- An entrance for the distillery only would be welcomed - accepted that there had been recent flood damage
- A waste collection timetable was needed
- Concern about the parking arrangements and parking for coaches - insufficient space - if an additional car park was provided, where would its access be?
- Will the number of visitors to the Bistro be additional to the numbers that arrive in coaches?

Ann Pullaman

- Confirmation of compliance with the provision for bats was needed

In response to the observation regarding the notice advertising the application for a licence, the Licensing manager explained that under the Licensing Act 2003 there was no requirement to send letters to neighbours (as happens with Planning applications). It was added that the Licensing Unit encouraged applicants to undertake consultation.

d) Taking advantage of her right to speak, the Environmental Health Officer highlighted that the applicant, following discussions, had agreed to reduce the opening hours and the supply of alcohol, and had also removed live music, dance performances and/or anything of a similar description from the application. It was agreed that a temporary event notice would have to be submitted if it was intended to hold a festival or any similar event, and the Health and Safety Policy needed to be reviewed in relation to transport and customers on the site. Consequently, the Environment Department had no objection to the amended application.

dd) In summarising his application, the applicant noted that

- There was a car park for coaches available, and there were ongoing discussions about a parking enterprise for the village
- Any 'party' arriving on a coach would have booked beforehand.
- The number of delivery and distribution lorries - the majority were weekly deliveries - and a timetable could be provided
- He was willing to share information about events - there was a need to agree locally on the best method of communicating the information
- The numbers would be managed effectively, with the booking system run through the website
- An ecological survey had been completed, and boxes had been provided for bats

The applicant and the consultee withdrew from the room while members of the Sub-committee discussed the application

- ff) In reaching its decision, the Sub-committee considered the application form, written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and disorder prevention
 - ii. Public nuisance prevention
 - iii. Ensuring public safety
 - iv. Protection of children from harm

RESOLVED to approve the application

When deliberating, the Sub-committee considered the observations made by the Environmental Health Unit. As a result of the Unit's recommendations, the applicant decided to amend the application to reduce the hours to supply alcohol, playing recorded music and showing films. The applicant no longer requested a licence for live music, dance performance or similar entertainment.

Observations were received from local residents, expressing concern regarding the prevention of public nuisance regarding noise and light pollution, especially in relation to outdoor events involving entertainment and music. Concern was expressed about the definition of occasional events, that this would increase traffic and create more noise. There was also concern about public safety, due to the narrow location of the site, and the increase in the number of lorries loading and unloading goods.

The sub-committee gave due regard to these observations, and noted that they had been made in response to the original application to vary the licence. The Sub-committee was satisfied that these concerns had been adequately addressed by the changes made to the application following to the advice provided by the Environmental Health Unit.

The Sub-committee was satisfied that the application to vary the licence, as amended, was in line with the licensing objectives and that it would not lead to problems regarding light and noise pollution or an increase in traffic to the extent of undermining the objectives of public nuisance prevention and ensuring public safety. The Sub-committee was not convinced that granting the licence was likely to lead to the undermining of the licensing objectives, and no evidence had been received that granting the licence would lead to an increase in noise.

The Solicitor reported that the decision would be confirmed formally by letter and sent to all present. It was added that each party had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any appeal should be submitted to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date on which the appellant received a letter (or a copy of the letter) confirming the decision.

The meeting commenced at 11.40am and concluded at 12.15pm.

