
CENTRAL LICENSING SUB-COMMITTEE 15.08.16

Present: **Councillors :** Eryl Jones-Williams (Chairman), Annwen Daniels and Louise Hughes

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Heilyn Williams (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

An apology was received from Euron Thomas (Senior Environmental Health Officer - Gwynedd Council)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY PREMISES LICENCE - FIRECAT COUNTRY HOUSE B&B, CAMLAN UCHAF, MALLWYD

The panel and the officers were introduced to everyone present. Councillor Annwen Daniels was congratulated on her appointment as Vice-chair of the Council.

Everyone was reminded that the hearing that was held on 21.7.2016 had been postponed so that the Licensing Sub-Committee could carry out a site visit following objections to the application on the basis of the public's safety. It was confirmed that Members of the Sub-Committee had visited the site on 28 July 2016 with the Licensing Officer.

On behalf of the premises: Mr Robin Worgan (applicant) and Amber Worgan

Local Member: Councillor John Pughe Roberts

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager providing details of the application for a premises licence for The Firecat Country House Bed and Breakfast, Mallwyd in respect of supplying alcohol, recorded music, live music, dance performances, film and drama showings, any other entertainment and the provision of late night refreshments. The right was sought to supply alcohol and provide entertainment inside and outside the premises until 01.00am, seven days a week. It was explained that the premises was run as a small bed and breakfast hotel, with three bedrooms let to guests.

The details of the proposed hours were brought to attention, but it was noted that circumstances had changed since submitting the application and that the application had been amended. It was highlighted that an e-mail had been received from the applicant confirming these amendments.

Measures recommended by the applicant to promote the licensing objectives (as part of the original application) were referred to, along with the responses that had been received during the consultation period. It was noted that the Local Member, the Community Council and nearby residents objected to licensed activities for non-residents. The objections were generally made on the grounds of the licensing objectives of Preventing Public Nuisance and the Public Safety.

It was noted that the Police did not object to the application and, following a visit to the site, it was noted that the applicant had agreed to operate the Challenge 25 Policy. The Fire Service did not object to the application, but a recommendation had been given in terms of total numbers which should be allowed in the public rooms of the building.

The Environmental Health Officer had held discussions with the applicant to obtain more details about the application. The Officer's observations and recommendations were referred to. The frequency of events had been discussed, and it was reported that there were not enough details to determine whether the right precautions would likely be implemented to ensure that the licensing objective of Preventing Public Nuisance would not be undermined. It was highlighted that the Officer's suggestion would be to oppose the original application, but following further discussions and amendments to the original application, it was confirmed that the Officer did not have any objections to the selling of alcohol and the provision of late night refreshments.

The correspondence that had been received from the National Park was referred to (that had not been included in the report), where it was highlighted that planning permission was needed for the business because over 50% of the bedrooms within the premises would be used for letting purposes. It was reiterated that this was not a licensing issue and that the applicant needed to discuss this further with the Park.

Following amendments to the original application, the Licensing Manager highlighted, following discussions with the Licensing Officers and Environmental Health, that by now, the applicant had decided to include alcohol and late night refreshments only and that he/she wished to take advantage of the exemptions of the Live Music Act 2012 for showing films, dance performances, live and recorded music until 11pm only. Attention was drawn to the full details in the report.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee and the applicant were given an opportunity to ask questions to the Licensing Manager.
 - The applicant was invited to expand on the application.
 - Consultees were given an opportunity to submit their observations
 - The licensee, or his 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.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- That his only intention was to offer a bottle of wine to his guests with supper
 - That there would be less coming and going from the site with guests staying on-site
 - Discussions had been held with the Police, the Fire Service and the National Park
- ch) Taking advantage of the right to speak, Councillor John Pugh Roberts (Local Member and Mawddwy Community Council representative) made the following comments:

- That he was supportive of new ventures, but he highlighted concern with licensing issues in a rural area
- That the property was within the National Park - a place for people to have tranquillity
- He opposed to the original application, but he had since changed his mind following amendments to the application
- The Community Council also supported the amended application

d) In summarising his application, the applicant noted

- That he accepted the comments
- He highlighted that the residents provided their own alcohol, and if the licence were not permitted, this arrangement would continue
- That it was intended to provide a picnic basket for residents that would include a bottle of wine
- Alcohol would be available for residents only
- That there would be more coming and going with the selling of eggs next door
- There were only three bedrooms available to let so a maximum of six people
- The intention to maybe prepare an evening meal for the residents that used the nearby holiday cottage
- That the road to the site was as wide as a highway
- The hotel had been open for 12 months, and no issues had been raised within this period.

dd) Members of the Sub-committee discussed the amended application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely;

- Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

along with the guidelines of the Home Office and the Council's licensing policy.

RESOLVED to permit the application in accordance with the amended application

Consideration was given to comments from Councillor John Pughe Roberts, Dinas Mawddwy Community Council, Mr Boulton, Mr Negus and Mrs Clarke, that raised concern over the level of noise that was likely to arise from the premises, as well as their effect on the National Park, local people, livestock etc. Whilst the Sub-committee accepts that these comments were made in trust and that the noise could possibly be related to the licensing objective of preventing public nuisance, the Sub-committee was not satisfied with the evidence in front of them that the likely outcome of granting an alcohol and late night refreshments licence would be a noise problem that would be subject to public nuisance. Specifically, no evidence was received about the expected level of noise, the number of noise events, frequency of those events, the duration of every event or the number of people it would affect. Without this objective data, it was impossible for the Sub-committee to say more likely or not that the licence, if it was permitted, would lead to public nuisance. It was noted that the Environmental Health had raised concern about noise, but that those were to be attributed to the original application in terms of entertainment. They did not derive from the alcohol and late night refreshments part of the application, parts that Environmental Health could not object to. For these reasons, the Sub-committee did not consider that the application undermined the licensing objective of preventing public nuisance.

The Sub-committee also considered the comments referring to the condition of the road that led to the premises, that they had benefited from visiting the site. They came to the conclusion, however, that in terms of the intended purpose of the premises - to sell wine to residents during meal times or for a lunch box - that there was barely any evidence that the licence would lead to any significant increase in traffic and any concern in terms of public safety.

In the circumstances, the Sub-committee was satisfied that the licence granted was in accordance with the licensing objectives.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.20pm and concluded at 3.30pm