

CENTRAL LICENSING SUB-COMMITTEE 07.09.16

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

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

1. **APOLOGIES**

An apology was received from Councillor Linda Morgan (Local Member).

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note

4. **APPLICATION TO VARY A PREMISES LICENCE - Brynffynnon, Love Lane, Dolgellau LL40 1RR**

The panel and the officers were introduced to everyone that was present and it was announced that everyone had up to 10 minutes to share their observations on the application. In highlighting the absence on the objectors of the application, the Chairman asked the Licensing Manager to confirm that the objectors had received a letter noting the date and time of the hearing. In response, the Licensing Manager confirmed that a letter had been sent to all objectors with evidence to support this.

On behalf of the premises: Mr Steven Holt
 Ms Debra Harries
 Mrs Angela Lienz
 Mr Bernhard Lienz

a) **The report and recommendation of the Licensing Section**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Brynffynnon, Love Lane, Dolgellau in relation to the supply of alcohol, and the showing of films to individuals who would be non-residents of the bed and breakfast who would be staying on the premises, along with the right to serve late night refreshments to non-residents between 23:00 and 01:00 in special events. Attention was drawn to the proposed hours in the report.

It was explained that the premises currently held a premises licence for the sale of alcohol and showing of films to residents of the premises only. It was highlighted that the application was submitted in order to attract customers who are non-residents to the restaurant, and to enable alcoholic drinks to be available for them.

It was noted that the Licensing Authority had sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period. It was noted that Dolgellau Town Council was supportive of the application and that six letters had been received objecting to the application on the basis of preventing public nuisance, preventing crime and disorder and public safety. It was highlighted that all of the objectors referred their concerns to the unsuitability of the narrow access road to accommodate an increase in traffic: concern that an increase in visitor numbers to the premises would create a situation where emergency vehicles would not be able to gain access to the premises; that the premises is within a quiet residential area and that approving the licence would increase noise; that there would be a potential in an increase in crime and disorder

- 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 of 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:
- The main objective of the application was to sell alcohol to non-residents
 - The room's capacity was 20
 - That there was sufficient parking spaces in the town along with space for up to 10 cars on the site
 - In terms of monitoring noise, it was noted that there would be a request for visitors to leave the hotel orderly and quietly. Food would be served between 6:30pm and 8:30pm with people generally leaving around 10:00pm. This could be later on special events, such as New Year's Eve
 - The hotel would not be a cheap place to drink and eat and so an increase in crime would not be predicted - there was no intention to create disorder - the residents, their staff and their own neighbours would have to be considered
 - The application for a films licence had been raised due to applications from organisations such as Merched y Wawr and Gwynedd Council to rent meeting rooms / show short films
 - That the hotel provided good holiday accommodation and local jobs
 - That the provision of late night refreshments would be an additional service in response to requests from other B&B guests
 - The possible total of residents would therefore be 16, room for an additional 4 would be possible
- ch) In response to a question, it was confirmed that one responsible, designated person would be on duty on the site at all times. It was added that there would not be an official bar available - the intention would be drinks with food with an honesty box in the lounge for residents only. There would not be any sale of alcohol after 11pm. Staff under 18 years of age would not be selling alcohol.

- d) The letters received from the consultation period were acknowledged

Disappointment was expressed in that the objectors were not present to express their observations and to respond to questions from the Sub-committee

- dd) In summarising the application, the applicant noted

- The intention would be not to open an establishment that would sell food late at night with a bar, but to extend the present licence to serve good food of high standard for non-residents.
- They were acknowledged on the www.visitwales.com website; they had won a number of awards and honours - with all of this promoting the local economy
- They would not be endangering their reputation

- e) The Sub-committee members retired from the Chamber to discuss the application, considering all the evidence submitted. Specific attention was given to the Licensing Act 2003

- 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 approve the application

The Sub-committee considered all of the applicant's comments that confirmed that the intention of the application was to allow the premises to provide alcohol with meals, instead of from a bar, for non-residents. The Sub-committee received confirmation that entrance into the honesty bar on the premises was limited to residents only. The Sub-committee also considered the applicant's certainty that a member of staff would be present when non-residents would be present on site. Therefore, the Sub-committee was satisfied that the site would be appropriately supervised.

In addition, the Sub-committee gave appropriate consideration to the comments of the interested parties that raised concerns about the possible impact of allowing the approving on anti-social behaviour, noise and traffic/parking problems. Whilst the Sub-committee accepted that such concerns could possibly be related to the licensing objectives of preventing crime and disorder, preventing public nuisance and ensuring public safety, no evidence of previous incidents were provided and the interested parties were not present in the hearing to elaborate on their concerns. Under the circumstances, the Sub-committee was of the opinion that very little weight could be attributed on these comments, if at all.

The Sub-committee disregarded some observations on the basis that they were not relevant, for example that there were enough licensed establishments in the catchment area.

The Solicitor reported that everyone present would receive formal confirmation of the decision 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 2:00pm and concluded at 3:15pm.