

CENTRAL LICENSING SUB-COMMITTEE 31.10.16

Present: **Councillors:** Eryl Jones Williams (Chair), Angela Russell and Elfed Williams

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

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - Y Llangollen, High Street, Bethesda

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.

On behalf of the premises: Mr Joseph Barrett (applicant)

Local Member: Councillor Ann Williams (Ogwen)

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 Y Llangollen, Bethesda in relation to the supply of alcohol and playing recorded music on the premises.

It was highlighted that the premises had a licence in the past, and the licence was surrendered by Punch Taverns (the owners at the time) in November 2015. Previously, the licensed activities included live music as well as recorded music.

Attention was drawn to details of the proposed hours noted in the report along with the difference in the licensable activities compared to the previous licence.

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 the Local Member and Bethesda Town Council was supportive of the application, but that 18 letters had been received objecting to the application based on the licence objectives of preventing public nuisance and preventing crime and disorder. It was highlighted that all objectors referred the basis of their concerns to anti-social behaviour of the customers and public nuisance matters such as noise and litter, noting that a number of problems had arisen in the past when the premises was under other ownership and management.

- 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:
- There had been historical problems with the establishment over the past five years
 - He had invested and focused on changing the establishment's outlook by refurbishing the tavern and moving the pool tables, the dart board and the juke box from the premises in order to create a restaurant
 - 10 members of staff would be employed (local)
 - The closing hours would allow the premises to control orderly departures of people so that crowds would not gather on the street at the end of the night
 - It was intended to create eight bedrooms with a bathroom each above the premises as a hotel - this would create four additional part-time jobs
- ch) In response to a question, the applicant confirmed that he had agreed to the recommendations of the Police and that CCTV along with appropriate recording equipment had been installed on the premises. With regards to the smoking area, he noted that a hallway was being built to the rear of the building to decrease noise when going in and out of the smoking area. It was also noted that the ashtrays had been upgraded and there were no plans to extend the smoking area.
- d)** Taking advantage of the right to speak, Councillor Ann Williams (Local Member and Bethesda Community Council representative) made the following comments:
- The intention was to create a restaurant aimed at a different customer to a tavern customer
 - There was no intention to play live music - background music only (less noise)
 - Real need for businesses on Bethesda High Street
 - Y Llangollen was an asset to the High Street
 - No complaints had been received from the Local Member or Community Council
 - A substantial investment was made to the enterprise
 - Very supportive of the enterprise
- dd) The letters received from the consultation period were acknowledged

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.

Disappointment was expressed in that the objectors were not present to express their observations and to respond to questions from the Sub-committee. In response to a question regarding the form of the objections, that is, that the content and form of every letter was consistent, the Solicitor highlighted there were no restrictions to submit a petition, but that the Sub-Committee had to consider the substance of the evidence that was being presented.

In response to a question, the Local Member noted that he had read the objections and she had confirmed that one of the objectors had phoned her, concerned about the closing hours. In regards to the comment about beer cans, it was highlighted that beer cans were not sold at Y Llangollen.

- e) In summarising his application, the applicant noted that keeping a restaurant was the main aim - running the premises as a rural tavern with a restaurant and residential rooms, and not encourage people to come there to drink. He also confirmed that he was the owner of the tavern next door.

- f) In considering the application, all of the evidence submitted was considered. 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 subject to recommendations by the Police

The licence was given as follows:

1. Licenced activities and hours in accordance with the application
2. That the issues included in section M of the application were included as conditions on the licence.
3. That the conditions recommended by the Police in relation to CCTV should be incorporated in the licence.

The Sub-committee gave appropriate consideration to the comments of the interested parties that lived in Glanrafon Street and Bethesda High Street. The local residents raised concerns about possible impact of allowing the licence, on drunk and anti-social behaviour, litter and noise. It was accepted that such concerns were relevant to all of the four licensing objectives, but the Sub-committee did not receive any details of incidents / problems in the past in terms of dates, times, nature, frequency etc. of the period that the premises had a licence. Without such information, there was no means for the Sub-committee to decide whether allowing the licence would likely lead to more problems that would undermine the licensing objectives.

The sub-committee noted that the comments of the objectors followed the same forms, raising doubts whether the comments were valid ones or a campaign tailored into a series of comments. As the interested parties were not present in the hearing to elaborate on their concerns, the Sub-committee felt that very little pressure could be attributed to these comments.

Briefly, the Sub-committee was satisfied that the application, along with the CCTV conditions recommended by the Police, was in accordance with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. 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.