



# Complete Agenda

**Democratic Services**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

## Meeting

### **CENTRAL LICENSING COMMITTEE**

## Date and Time

**10.00 am, MONDAY, 3RD JUNE, 2019**

## Location

**Siambr Hywel Dda, Council Offices,  
Caernarfon, Gwynedd. LL55 1SH**

## Contact Point

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(DISTRIBUTED Friday, 24 May 2019)

# **CENTRAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (8)**

Councillors

Steve Collings  
Dafydd Owen  
Peter Read  
Vacant Seat - Plaid Cymru

Annwen Hughes  
Edgar Wyn Owen  
Elfed Williams  
Gareth Jones

### **Independent (4)**

Councillors

John Brynmor Hughes  
Jason Wayne Parry

Eryl Jones-Williams  
Angela Russell

### **Llais Gwynedd (1)**

Councillor  
Gareth Williams

### **Individual Member (2)**

Councillor  
Sion W. Jones

Vacant Seat - Individual Member

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

## **1. ELECT CHAIR**

To elect Chair for 2019 - 2020

## **2. ELECT VICE CHAIR**

To elect Vice Chair for 2019 - 2020

## **3. APOLOGIES**

To receive any apologies for absence.

## **4. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

## **5. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chairman for consideration.

## **6. MINUTES**

4

The Chairman shall propose that the minutes of the meeting of this Committee, held on 11 April 2019 be signed as a true record.

## **7. LICENSING SUB COMMITTEE MINUTES**

5 - 9

To submit, for information, minutes of the Central Licensing Sub-committee meeting held on the following dates –

# Agenda Item 6

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## CENTRAL LICENSING COMMITTEE 11.04.19

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**Present:** Councillors, Steve Collings, Annwen Hughes, John Brynmor Hughes, Edgar Wyn Owen, Dafydd Owen, Peter Read, Angela Russell, Elfed W. Williams and Gareth Williams

**Also in Attendance:** Gwenan Mai Roberts (Licensing Manager), Geraint Brython Edwards (Solicitor) and Lowri Haf Evans (Member Support Officer)

### 1. APOLOGIES

Apologies were received from Councillors Eryl Jones-Williams, Sion Jones and Jason Wayne Parry.

### 2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 3. URGENT ITEMS

None to note

### 4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the meeting of this Committee, that took place on 10 December 2018, as a true record.

The meeting commenced at 10:35am and concluded at 10.40am.

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## CENTRAL LICENSING SUB-COMMITTEE 12.04.19

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**Present:** **Councillors:** Elfed Williams (Chair), Dafydd Owen and Jason Wayne Parry

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

1. **APOLOGIES**

An apology was received from Mr Ian Williams (North Wales Police)

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR A PREMISES LICENCE - 2, Mitre Place, Pwllheli**

**On behalf of the premises:** Mr Fatih Yilmaz a Mrs Mary Yilmaz

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

The report of the Licensing Manager was presented, giving details of an application for a premises licence for 2, Mitre Place, Pwllheli. The application was made in respect of the provision of hot food as late night refreshment to be consumed on and off the premises. It was highlighted that the premises owners had held a premises licence with Gwynedd Council since 2005. It was noted that a licence to sell hot food was previously held on the premises, and that the hours noted on the application were no different to the hours noted on that licence.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that 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 recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that two letters had been received objecting to the application due to concerns that the proposed licensed activities would undermine two of the licensing objectives – preventing public nuisance and preventing crime and disorder. It was highlighted that a late e-mail had been received from the Fire Service, but that it had no objection to the application.

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 their 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.

- b) In expanding on the application, the applicants noted that they were happy with what had been submitted. It was highlighted that the previous licence holder had surrendered the licence during the period of time when the applicants were purchasing the premises.

They added the following observations:

- That they lived locally and were taking advantage of the opportunity to purchase their own property
- That they were relocating the business from a nearby street
- That they had experience of running a business
- It was confirmed that CCTV would be available

In response to a question regarding adding a rear entrance to the premises, it was noted that discussions had been held with neighbours and that plans were under-way to extend the roof, to add a door to the rear of the building, and to redesign the interior. It was noted that discussions had been held with the Public Protection Enforcement Officer with regard to re-registering the building as it had been closed for two years.

In response to a question around concerns regarding litter and waste collection arrangements, it was noted that discussions had been held with the nearby public house to find a site for storing bins. It was noted that these had been verbal discussions, but that formal confirmation of what had been said was expected via e-mail. In terms of keeping the area around the shop tidy, it was noted that staff would collect litter around the premises after the shop closed.

In response to a question regarding door supervisors, it was highlighted that the applicant was SIA qualified and had years of experience. It was noted that there had been no problems on their current premises and it was suggested that if the Police required more supervision, this would have been noted in their comments. It was added that discussions had been held with Mr Ian Williams (North Wales Police).

- c) In reaching its decision, the Sub-committee considered the application form along with written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicants 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**

- 1. Opening Hours: Monday-Thursday 11:00-01:00, Friday-Saturday 11:00-02:00, Sunday 11:00-01:00 with an extension until 02:00 on Sundays before Bank Holiday Mondays.**
- 2. Late Night Refreshments to be eaten in and taken out: Monday-Thursday 11:00-01:00, Friday-Saturday 11:00-02:00, Sunday 11:00-01:00 with an extension until 02:00 on Sundays before Bank Holiday Mondays.**
- 3. The matters listed in the Schedule of Actions were included as conditions on the licence.**

Specific consideration was given to two letters received from local business owners, expressing concerns that the premises area currently had problems involving litter, people urinating in the street, late night noise, and public order offences. Those opposed to the application argued that awarding the licence would lead to an increase in the frequency of these problems.

The Sub-committee did not dismiss the possibility that problems involving littering, urinating in the street and late night noise existed, either together or individually; nor that these could, in principle, lead to public nuisance. In the same way, it was accepted that public order offences could have happened and that they could be relevant to the objective of preventing crime and disorder. However, no evidence was submitted with regard to the number, frequency, density, dates and times of the events claimed to have happened, nor of the likely increase in the case of awarding the licence. As a result, there was no means for the Sub-committee to decide whether the problems in actual fact came over and above the threshold of undermining the public nuisance or crime and disorder objectives, nor whether awarding the license would lead to passing the threshold.

The Sub-committee noted that neither the Council's Environmental Health Department (with regard to litter, urination or noise) nor the Police (with regard to offending) had submitted any comments on the application. This strongly suggested that the problems were not major ones. The Sub-committee had not been persuaded by the evidence that awarding the licence undermined the objectives of public nuisance prevention or crime and disorder prevention, and was therefore satisfied that the application 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 11:00am and concluded at 11:30am.

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## CENTRAL LICENSING SUB-COMMITTEE 20.03.19

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**Present:**                      **Councillors:** Peter Read (Chair), Steve Collings and Edgar Wyn Owen

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

1.        **APOLOGIES**

An apology was received from Councillor Kevin Morris Jones (Local Member)

2.        **DECLARATION OF PERSONAL INTEREST**

None to note.

3.        **URGENT ITEMS**

None to note

4.        **APPLICATION FOR PREMISES LICENCE - Snowdon Mountain Railway - Llanberis Station Café, Gift Shop and Trading Post**

**On behalf of the premises:**                      Mr Chris Jones

a)        **The report and recommendation of the Licensing Department.**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Snowdon Mountain Railway

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that 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 recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that three letters had been received objecting to the application due to concerns that the proposed licensed activities would undermine two of the licensing objectives - ensuring public safety and preventing public nuisance. In response to the objections, it was highlighted that a mediation meeting had been held on 20 February 2019 so that the objectors could discuss their concerns with the applicant. Consequently, the applicant agreed to a substantial compromise, by proposing changes and accepting new conditions on the application. It was reported that the objectors had now accepted the application and that it was being presented to the Sub-committee in order to confirm these changes formally.

In considering the application, the following procedure was followed:

- 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 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.

**RESOLVED to approve the application in accordance with the amended conditions**

1. It was agreed to restrict the hours of alcohol sales at the Trading Post from 09:00 to 18:00.
2. It was agreed to only sell 'specialist' bottles of beer and spirits at the Trading Post.
3. It was agreed to sell alcohol for consumption off the Trading Post premises only.
4. No recorded music to be played from the Trading Post or the Car Park at any time.
5. Hours of licensed activities and proposed conditions to remain the same as the original application for the Llanberis Station Cafe and Gift Shop.

In reaching their decision, the Sub-committee considered the application form along with written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant's representative 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

Specific consideration was given to the three letters received from nearby residents, expressing concerns that the application in its original form would harm the licensing objective of preventing public nuisance and ensuring public safety. In short, concerns were raised that approving the original application would mean that the Trading Post specifically was,

- close to the highway, and therefore attracted increased activity, that would lead to a public safety problem;
- close to a nearby residential property, and therefore playing recorded music would lead to noise disruption which would, in turn, cause public nuisance problems.

However, following a mediation meeting, the applicant had agreed to amend the application in order to mitigate the risk of any public safety or public nuisance problems that would arise in relation to the Trading Post.

The Sub-committee was not required to make a decision on the grounds of observations from nearby residents, as this was not needed on this occasion due to the outcome of the mediation meeting. However, it was accepted that approving the licence in accordance with the original application could have led to increased activity and noise surrounding the Trading Post. It was also accepted in principle that these matters could have led to public safety and public nuisance problems.

Under these circumstances and on the basis that there were no remaining objections, the Sub-committee was satisfied that the amended application was in-keeping with the licensing objectives.

The meeting commenced at 12.00pm and concluded at 12:20pm

