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## CENTRAL LICENSING SUB-COMMITTEE, 16.03.11

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillors Peter Read, W. Gareth Roberts

**Also present:** Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Gwyn Parry Williams (Committee Officer).

### 1. DECLARATION OF PERSONAL INTEREST

The Licensing Manager noted that he lived near the mother-in-law of the owner of Penlan Fawr, Pwllheli and that his daughter received flute lessons from the Secretary of Siop Pen y Groes, Llithfaen.

### 2. APPLICATION TO VARY PREMISES LICENCE – PENLAN FAWR, STRYD PENLAN, PWLLHELI

#### Others invited to the meeting:

**Representing Penlan Fawr, Penlan Street, Pwllheli:** Mr Iwan Edgar (Owner) and Mr Dewi Evans (Designated Premises Supervisor)

**Representing the Police:** Mr Ian Williams (Licensing Coordinator - North Wales Police), Constable Sharon Jones and Constable Dylan Roberts.

**Apology:** Councillor Sion S. Roberts (local member)

Submitted – the report of the Licensing Manager providing details of an application by Penlan Fawr, Stryd Penlan, Pwllheli to vary the premises license to extend the hours for live music, recorded music, dancing and the supply of alcohol between 11.00 and 00.00 every day of the week and an additional hour until 01.00 on specific dates, with the premises to close at 1:00 every day of the week and at 2.00 on the additional dates.

It was reported that, following the appropriate consultation period, the police had no objection to the application, subject to conditions. The North Wales Fire and Rescue Service had no objection either. Neither the Planning Department nor the Trading Standards Department had any observations on the application. A letter had been received from nearby residents, objecting to the application.

In considering the application, the following procedure was followed:-

- i. Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- ii. The applicant was invited to expand on the application.
- iii. Consultees were given an opportunity to support their observations.
- iv. The licensee, or his representative, was invited to respond to the observations.
- v. Members of the Sub-committee were given an opportunity to ask questions of the

licensee.

- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii The applicant or his representative were given an opportunity to summarise their case.

In response to a question relating to live music performances and providing facilities for dancing “outside during the summer”, the Designated Premises Supervisor confirmed that it was intended to hold the abovementioned in the garden to the rear of the building occasionally between 1 April and 30 September each year. He also confirmed, in response to a question, that he wished to retain the right obtained under former legislation to open for 36 hours on New Year's eve/day. Although there was no intention to open for all those hours, retaining the right would make things easier. He was also satisfied with the conditions that the Police had recommended.

The consultees were invited to support any observations submitted by letter and Ian Williams, Licensing Co-ordinator, North Wales Police, reported that he did not have sufficient evidence to object to the application. He added that the establishment in question cooperated willingly with the Police and he was therefore satisfied for the application to be approved subject to those conditions noted in the letters to the Licensing Authority.

The objectors were not present at the meeting to support the observations submitted by letter.

The relevant parties left the meeting and the application was discussed by the Sub-committee members, considering all evidence submitted and giving specific attention to the principles of the act, namely:

- Prevention of Crime and Disorder – no evidence of problems with the property had been submitted and the Police were happy with the application subject to conditions relating to CCTV, membership of the Pubwatch scheme, door supervisors and keeping a recognised register of door staff employed on the premises.
- Public Safety – no evidence had been submitted under this heading.
- Prevention of Public Nuisance – the sub-committee considered the objectors’ concerns, namely that the addition of one hour to the opening hours would inevitably lead to more noise late at night. Despite this, the sub-committee had to base its decision on evidence. No evidence of any problems had come to light, and the sub-committee could not theorise with regard to what could happen. Therefore, there was no just reason under this heading to restrict or refuse the application.
- Protection of Children from Harm - no evidence regarding this objective had been submitted.

**RESOLVED to approve the variation to the licence of Penlan Fawr, Stryd Penlan, Pwllheli, as follows -**

- a) Live music (paragraph E) – Monday to Sunday – 11.00 until 00.00 but to be permitted outside the building in the garden between 1 April and 30 September each year and to end at 20:30.**
- b) Recorded music (paragraph F) – Monday to Sunday – 11.00 to 00.00.**
- c) Provision of dancing facilities (paragraph J) – Mondays to Sundays – 11.00 until 00.00 but to be permitted outside the building in the garden between 1 April and 30 September each year and to end at 20.30.**
- ch) The sale of alcohol (paragraph M) – Monday to Sunday – 11.00 to 00.00.**

- d) The hours the premises are open to the public (paragraph O) – Monday to Sunday 07.00 to 01.00.
- dd) The non-standard times for all the above activities will continue in line with the current licence.
- e) A CCTV system will be installed and will work to such a standard that the Police and Local Authority can monitor both the interior and exterior of the premises. Records should be retained in a non-edited format for a period of at least 31 days and should be available at the request of the Police or local authority.
- f) The premises will be a member of the Pubwatch scheme and a representative will attend Pubwatch meetings and take part in all initiatives by the scheme. The premises will adhere to all directives issued by the Pubwatch scheme, including compliance with Banning Orders issued against any individual.
- ff) That Door Supervisors registered with the Security industry Authority (SIA) are on duty every Saturday night and on every occasion when live music is held at the premises.
- g) The Designated Premises Supervisor will keep a recognised register by the Police and Local Authority of all door staff employed at the premises. The register will include details of the start and finish times of the work, the name and SIA licence number of the person employed (including the name of the company that employs them, if relevant). The register is to be kept on the premises on a permanent basis, for inspection by the Police or Local Authority on request. After completing the register, it will be kept at the premises for at least a year from the completion date, and for the duration of that period, it will be available for inspection by the Police or Local Authority.

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of the date of that letter.

### **3. APPLICATION TO VARY PREMISES LICENCE – PECKISH, 78, STRYD FAWR, PWLLHELI**

**Representing Peckish, 78, Stryd Fawr, Pwllheli:** Mr Fatih Yilmaz (Licence holder) and Mrs Mary Yilmaz

It was noted that Mr Fatih Yilmaz was the licence holder but members noticed that the current premises licence was in another person's name. The Propriety Officer explained that the Licensing Act noted that it was the current licence holder who had the right to apply for a variation, therefore this application was not valid. Mr Yilmaz would need to transfer the licence to his name.

Mr Yilmaz agreed to withdraw the application for a licence variation and submit a new application after transferring the licence to his name.

### **4. APPLICATION FOR PREMISES LICENCE - SIOP PEN Y GROES, LLITHFAEN, PWLLHELI**

**Representing Siop Pen y Groes, Llithfaen, Pwllheli:** Mrs Sianelen Fleming (Secretary of Siop Pen y Groes Limited Company)

**Representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Submitted – the report of the Licensing Manager, providing details of the application on behalf of Siop Pen y Groes Company, Llithfaen, Pwllheli for a premises licence to permit the sale of alcohol between 07.00 and 20.00 every day of the week.

It was reported that, following the appropriate consultation period, neither the Police nor the North Wales Fire and Rescue Service (subject to conditions) had objections to the application. Neither the Planning Department nor the Trading Standards Department had any observations on the application. Letters had been received from nearby residents objecting to the application, however two of the objectors had apologised as they were unable to attend the hearing.

In considering the application, the following procedure was followed:-

- i. The applicant was invited to expand on the application
- ii. Members of the Sub-committee were given an opportunity to ask questions of the applicant
- iii. The licensee, or his representative, was invited to respond to the observations
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licensee
- v. The applicant and licensee, or his representative, were given an opportunity to summarise their case

In support of the application, the secretary of the limited company shop noted that this was a community shop, and that it was very important that the shop could remain open. Selling alcohol had been identified as one of the ways to ensure success for the shop. There was no intention to store a lot of alcohol in the shop, and it would not be possible for them to sell it cheaply in the same way as larger shops could. They were fully aware of the risks of alcohol to young people, and there was no intention to target alcohol sale to them. In a small village shop like this one, those serving would know who was under age, and implementing the "Challenge 21" scheme would reinforce the arrangements to ensure that alcohol was not sold to anyone under the legal age. She agreed with the recommendation from the Police that alcohol should only be displayed behind the counter, so that the customer would have to ask for it.

The consultees were invited to support any observations submitted by letter and Ian Williams, Licensing Co-ordinator, North Wales Police reported that his only concern related to where the alcohol would be displayed. The applicant had agreed that it would be displayed behind the counter only, therefore, the Police were satisfied with this. Subject to the conditions in their letter dated 21 February 2011, they had no objection to approving the application.

The relevant parties left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving specific attention to the principles of the act, namely:

- Prevention of Crime and Disorder – consideration was given to the concerns expressed in the letters of objection that approving the application would lead to crime. However, there was no evidence of problems with the premises, and the sub-committee could not theorise with regard to what could happen in future. Consideration was given to the fact that the police had no objection to the application subject to imposing conditions. Therefore, there was no sufficient evidence under this heading to justify restricting or refusing the application.
- Public Safety – no evidence had been submitted in relation to this objective.
- Prevention of Public Nuisance – the sub-committee took note of the objectors' concerns that approving the application could lead to problems under this heading, especially with regard to waste. However, there was no evidence that problems arose from the shop nor was there evidence to suggest that approving the application would lead to such

problems. Therefore no evidence had come to hand that would justify restricting or refusing the application.

- Protection of Children from Harm – all the objectors had expressed concerns that approval of the application would lead to under-age drinking in the village. As this was a new application, there was no evidence of problems with the premises that the sub-committee could consider. However, the purpose of the conditions that the police had proposed (which had been accepted by the applicant) was to prevent such problems from arising. Therefore, there was no sufficient evidence under this heading to justify restricting or refusing the application.

**RESOLVED to approve the premises licence for Siop Pen y Groes, Llithfaen, Pwllheli, as follows -**

- a) Sale of alcohol to be consumed off the premises (paragraph M) from 07.30 to 19.00 Monday to Sunday.**
- b) The hours the premises are open to the public (paragraph O) – from 07.00 to 20.00 Monday to Sunday.**
- c) Alcohol to be displayed behind the counter only.**
- ch) That the Designated Premises Supervisor issues a letter authorising the volunteers to sell alcohol on the premises.**
- d) That the “Challenge 21” scheme is obligatory on the premises.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of the date of that letter.

The meeting commenced at 11.00am and concluded at 12.15pm