
CENTRAL LICENSING SUB-COMMITTEE, 27.03.13

Present: Councillor Peter Read (Chairman)
Councillors John Brynmor Hughes and Angela Russell

Also present: Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Members' Support and Scrutiny Officer).

1. APPLICATION FOR A PREMISES LICENCE – BACH WEN FARM, CLYNNOG FAWR, CAERNARFON

Others invited to the Meeting:

Representing Bach Wen Farm, Clynnog Fawr, Caernarfon: Mr John Clifford and Ms Helen Plaumer

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

Representing the objectors: Mrs Marian E. Roberts, Mrs Martha E. Jones, Mr R.J. Owen and Mr Huw J. Jones

Local Member: Councillor Owain Williams

The Licensing Manager's report was presented, detailing the application on behalf of Bach Wen Farm, Clynnog Fawr, Caernarfon, to sell alcohol between 10.00 and 01.00, seven days a week. An application was also made for recorded music, dance performances and to sell late night refreshments up to 01.00. A request was made for the right to show films and perform plays and live music until 23.00. She noted that live music was subject to the exemptions submitted in the Live Music Act 2012. This meant that live music was not a licensed activity in a licensed premises or workplace up to 11pm for an audience of fewer than 200 people. A request was made for the right to hold licensed activities, with the exemption of the sale of alcohol, inside and outside of the premises for the hours noted. A request was also made for the right to open the premises to the public between 10am and 1.30, seven days a week.

She noted that the police had discussed the application with the applicant before its submission, and as the application was in accordance with those discussions, there was no objection to it.

It was reported that following the appropriate consultation period, no comments had been received from Clynnog Community Council. No objection had been received from the police and the Fire and Rescue Service with their observations. Observations relating to noise conditions had been received from the Council's Public Protection Officer. Objections had been received to the application from some nearby residents and on behalf of Canolfan Hanes Uwchgwyrfai and Ebenezer Chapel, Clynnog Fawr. Specifically, in relation to the four licensing objectives, reference was made to the potential of crime and disorder in the context of the policing level in a small, rural community. A number of concerns had been expressed regarding the safety of children and people on the access road which was also a public footpath down to the beach, and the potential noise nuisance to nearby residents in the community. There was also concern that the application was not in keeping with the nature and culture of the area, but these considerations, although important considerations within communities, were not relevant to the licensing objectives.

The officer apologised to the local member for sending him a letter to his previous address, as had been unaware that he had moved to another property. Due to this, he had not received the letter, and therefore had not had an opportunity to submit written observations on the application.

Due to this, the relevant parties were willing for the local member to present his comments verbally.

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 applicant noted the following observations –

- He had taken time in the preparation of the application, in consultation with the Police, the Fire and Rescue Service and the Council's Public Protection Department in order to ensure that the details were accurate and sustainable.
- It was not his intention to open the premises as a club or public house.
- There was no such existing provision in Clynnog following the closure of the Beuno Hotel.
- The provision offered would include social evenings involving the community, weddings etc.
- There was no intention to open the property until 01.00 every evening apart from when special events such as weddings etc. were held. In general, it was intended to close by 23.00 at the latest.
- Up to 35 people could be accommodated in the eight holiday cottages and the barn, and the requested permission was mainly intended for those people. There was no intention to open for the public in general, unless a local request was made to hold a particular event.
- In relation to the noise aspects, he had collaborated with an officer from the Council's Public Protection Department and had taken steps to insulate the barn, and that there were no windows in it apart from those at the front of the building facing the sea. The site was far from the village, with the main road nearby, and therefore there would be no noise likely to disturb the village residents.
- The type of music intended to be held there would mainly be folk music and (partial) acoustic guitar music.
- He would be willing to collaborate with the community and hold small Welsh activities there.
- He was the owner of the road leading to the site and it was possible for two cars to pass each other on the road.
- It was intended to install a CCTV system.

- A recent planning application had been approved to change the use of the barn to a holiday home.
- Local people were employed and he was eager to create up to three additional jobs there.
- Only Welsh beer would be sold there.
- There was no intention to spoil the tranquillity of the area.
- The age range of the visitors attracted to stay there would be over 35s.

The consultee was invited to support any observations submitted by letter and Ian Williams, Licensing Co-ordinator, North Wales Police reported that a meeting had been held with the licensee to discuss the application and that the application submitted was in accordance with those discussions. In relation to the hours requested, there was no necessity for the property to be open during these hours. A discussion was held on the property's CCTV system, and assurance was also required regarding the protection of children from harm, and it was agreed to implement the challenge 21 policy. It was noted that children under 16 years old were not permitted in a licensed property between 00.00 and 06.00. The application offered flexibility, and there was no evidence to oppose it. However, if any problems arose from the property, evidence would be collected and the licence would be reviewed if necessary.

In response to a question from the Compliance and Language Officer on holding the licensed activities inside and outside the property, the licensee replied that events would only be held outside on special occasions, and gave assurance that music would not be played outside late at night. He was willing to monitor the noise levels to ensure that no disturbance was created, and the Public Protection Department agreed with this.

The local member noted that there were local concerns regarding this application, specifically regarding the noise, public nuisance and the requested hours. He was of the opinion that the daily permitted hours should be restricted to 23.00. He referred to the fact that the noise of waves could be heard from the church graveyard, and that music would certainly be heard from the site. Vehicles would be coming and going from the site late at night and would be likely to impact on the amenities of the village residents.

The objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points –

- It would create noise and nuisance in such a quiet area.

The relevant parties left the meeting and the application was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely –

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

As this was a new application for the property, there was no existing evidence of any problems relating to holding licensed activities. In addition, the application had been discussed beforehand with the police, and noise conditions were also to be placed on the licence. While acknowledging the concerns of the local member and the objectors, members were of the opinion that there was no direct evidence relevant to the property that would justify refusing the licence that had been requested. It was therefore decided to approve the application with the following conditions:

RESOLVED to approve a property licence for Bach Wen Farm, Clynnog Fawr, Caernarfon, as follows –

- a) To permit the performance of plays (paragraph A) and the showing of films (paragraph b) between 10.00 and 23.00, Monday to Sunday.
- c) Permit recorded music (paragraph F) and dance performances (paragraph G) between 10.00 and 01.00, Monday to Sunday.
- ch) Permit the sale of late night refreshments (paragraph I) between 23.00 and 01.00, Monday to Sunday.
- d) Permit the sale of alcohol under paragraph J between 10.00 and 1.00, Monday to Sunday.
- dd) Permit the premises to be open to the public (paragraph L) between 10.00 and 01.30, Monday to Sunday.
- e) That the steps described in paragraph M of the application are to be included as conditions of the licence.
- dd) To impose the following conditions outlined by the Public Protection Officer –
- i) The internal LAeq 15min sound level and the LAeq 15min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within residential properties (measured with windows at the dwellings open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of this condition, LAeq is as defined in BS4142:1997.
- ii) To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during regulated entertainment.
- iii) Should Gwynedd Council obtain evidence following the publication of this licence that noise condition (i) is not being adhered to, the premises owner shall carry out the following –
- Undertake necessary noise insulation / abatement works to ensure that the property conforms to condition (i) and / or
 - Install a noise control device in the room(s) where entertainment is held. The device will be established so as to cut the electricity supply of any amplification system or to withstand an increase in the noise level above what has been established as the permitted maximum.
- iv) Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.
- v) The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22.00 and 08.00. Empty bottles shall be stored in a lidded skip / bin within the curtilage of the premises.
- vii) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.
- vii) The premises' personal licence holder, designated premises supervisor and door supervisor shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

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

The meeting commenced at 11.00am and concluded at 12.10pm