
CENTRAL LICENSING SUB COMMITTEE 26/07/17

Present: **Councillors :** Eryl Jones-Williams (Chairman), Dafydd Owen and Dewi Roberts

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

1. APOLOGIES

Apologies were received from Councillor Sion Jones, Councillor Roy Owen (Local Member) and Gareth Fôn Jones (Applicant)

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE - TY CASTELL

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 Roland Evans (applicant)

Others invited: Ffion Muscroft (Environmental Health Officer, Public Protection - Gwynedd Council)

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 Tŷ Castell, 18 High Street, Caernarfon in relation to the supply of alcohol, live and recorded music and late night refreshments. It was highlighted that the recorded music was only intended as background music and that the live music was occasional, acoustic music. A request was also made for permission to serve late night refreshments and alcohol on bank holidays.

Attention was drawn to the proposed hours in the report. It was noted that the Officers of the Licensing Authority 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 measures recommended by the applicant to promote the licensing objectives along with the responses that had been received during the consultation period.

It was noted that two letters had been received objecting to the application on the basis of the licensing objective of preventing public nuisance. Attention was drawn to observations submitted by Gwynedd Council's Planning Department and observations and recommendations of the Gwynedd Council Environmental Health Officer. It was highlighted that discussions had been held with the applicants and the Environmental Health Officer and that there was agreement now to reduce the hours of licensable activities and to accept noise conditions as part of the licence.

- 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 response to the report, the Licensing Officer was asked if the objectors were aware of the change to the opening hours. The applicant noted that he had discussed the reduction in opening hours with one of the objectors and consequently the objector had welcomed this decision.
- d) In expanding on the application, the applicant noted that he was happy with what had been submitted and the following observations were added:
- That developing Tŷ Castell had been an opportunity to realise a vision
 - That the building had been empty since 1994 - and was a Grade 2 listed building by *Cadw*. Renovating the building would lead to rejuvenating part of the town
 - The intention was to create a tapas restaurant with a Welsh feel - with good quality wines and beers and a 5-bedroom boutique hotel employing up to seven people. It was intended to promote the Welsh language and use local produce
 - Food orders would finish at 9:30pm with the intention of closing the kitchen at 10:30pm and closing the restaurant at midnight.
 - It was not intended to have a noisy bar - there was a need to address the expectations and needs of the guests.
 - The flexibility of the licence hours had now been adapted to be realistic
 - Had received support and enthusiasm from local people
 - Had attended a course to obtain a personal Licence

In response to a question regarding the inability to open the restaurant windows, it was noted that an air-conditioning system had been installed in the kitchen, cellar, toilets, kitchen and bathrooms as well as large windows in the bedrooms for fresh air. In addition, in the context of noise, it was emphasised that light acoustic music only would be played on a small scale e.g. at a cd or book launch.

In response to a comment regarding waste disposal, it was noted that a condition had been included by the Public Protection Service noting that it would not be possible to dispose of bottles or cans outside the licensed premises between 22:00 and 08:00. The applicant added that they had a licence which allowed

them to keep waste in a courtyard at the rear of the County Council offices.

A request was made that the applicant ensured that the CCTV system was serviced regularly and that clear, good quality photographs would be available to the Police and the Licensing Service if required.

Letters received stating an objection to the application from RG and SF Coclough and Nia Dryhurst were acknowledged.

The Environmental Health Officer noted that the Department was happy with the agreement to reduce the hours and for the conditions to be included on the licence.

- e) When considering the application, all the evidence submitted was considered, and particular attention was given to the principles of the Licensing Act 2003
- Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

RESOLVED to approve the application subject to the earlier hours and proposed conditions in terms of controlling noise and lighting:

The licence was issued as follows:

1. Approve live music indoors (section E of the application) on Monday between 12:00 and 00:00, from Tuesday to Thursday between 18:00 and 00:00, from Friday to Saturday between 12:00 and 00:00 and on Sunday between 12:00 and 22:00.
2. Approve recorded music indoors (section F) from Monday to Saturday between 08:00 and 00:00 and on Sunday between 08:00 and 22:00.
3. Approve indoor entertainment which falls within section H of the application, from Monday to Saturday between 18:00 and 00:00, and on Sunday between 18:00 and 22:00.
4. Approve late night refreshments indoors (section I) from Monday to Saturday between 23:00 and 00:00.
5. Approve the supply of alcohol to be consumed on and off the premises (section J) from Monday to Saturday between 11:00 and 00:00 and on Sunday between 11:00 and 22:00.
6. Opening hours to the public from Monday to Saturday are between 08:00 and 00:30 and on Sunday between 08:00 and 22:30.
7. In relation to all the above-mentioned licensable activities, an extension of 1 hour is granted for the non-standard times, including evenings before bank holidays and bank holidays.
8. The issues that were included in section M of the application (i.e. the operating schedule) are included as conditions on the licence.
9. For clarity, a condition will be added to keep CCTV clips for at least 28 days and for these to be provided on request to the Licensing Authority and the Police.
10. The noise control and lighting control conditions suggested by Environmental Health and agreed to by the applicants will be added.

When considering the objectors' observations, who expressed concern that granting the licence would lead to an increase in people leaving the premises late at night and that this would be relevant to the licensing objective of preventing

public nuisance, no explanation or evidence was provided in relation to how an increase in people would necessarily result in an increase in public nuisance. Several people in one place in itself was not evidence of public nuisance. Noise or rubbish problems or similar problems could, in principle, result in public nuisance, but this was not the basis for the observations submitted.

When considering the objectors' observations, who expressed concern that granting the licence would lead to an increase in noise problems late at night, the Sub-committee accepted that noise could, in principle, be relevant to the licensing objective of preventing public nuisance, but the observations were considered to be hypothetical. No evidence was submitted stating that a noise problem tantamount to public nuisance would likely happen should the licence be granted.

It was noted that Environmental Health had submitted observations confirming that there was no objection to the application, but a series of conditions in terms of controlling noise and lighting was recommended. The Sub-committee accepted that there was agreement between the applicants and the service for these conditions to be included on the licence, should the licence be approved.

For information, it was added that observations in relation to cumulative impact were disregarded. It was reported that the Council did not have a cumulative impact policy and therefore it was beyond the authority of the Sub-committee to make a decision in terms of introducing such a policy. It would be the responsibility of the Central Licensing Committee to decide to introduce a cumulative impact policy, following evidence which would justify creating a policy.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

5. APPLICATION FOR A PREMISES LICENCE - TY GLYNDWR

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 Rhys Davies (applicant)

Others invited: Ffion Muscroft (Environmental Health Officer, Public Protection - Gwynedd Council)

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 Tŷ Glyndwr, 1 Castle Street, Caernarfon in relation to the supply of alcohol, live and recorded music, dance performance and showing films occasionally and late night refreshments. It was highlighted that the recorded music was only intended as background music and that the live music was occasional, acoustic music which would be played in the cellar.

Attention was drawn to the proposed hours in the report. It was noted that the Officers of the Licensing Authority 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 measures recommended by the applicant to promote the licensing objectives along with the responses that had been received during the consultation period.

It was noted that one letter had been received objecting to the application on the basis of the licensing objective of preventing public nuisance. Attention was drawn to the observations and recommendations of Gwynedd Council's Environmental Health Officer. It was highlighted that discussions had been held with the applicant and the Environmental Health Officer and that there was agreement now not to allow entry to the public who were non-residents after 23:30 and to accept noise conditions as part of the licence. Attention was drawn to the observations of North Wales Police which had not been included in the report - the Licensing Officer read out the observations in full.

In response to a question regarding the police observation 'that there were sufficient cameras to record images', the applicant noted that a new CCTV system had been installed with five cameras watching over the public areas.

- 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 the following observations were added:
- It was not intended to create a noisy bar - the aim was to create a social bar - a safe place for a chat
 - Accommodation would be available
 - That substantial expenditure had been made on noise mitigation measures
 - That he accepted the noise conditions and the police's conditions
 - Also accepted as a condition that there would be no entry to the public after 23:30
- ch) The Environmental Health Officer noted that good discussions had been held with the applicant and that every effort had been made to reduce noise so as not to affect neighbours. It was confirmed that the conditions had been accepted.
- d) The letter received stating an objection to the application from RG and SF Coclough was acknowledged.
- dd) A request was made that the applicant ensured that the CCTV system were serviced regularly and that clear, good quality photographs would be available to the Police and the Licensing Service if required.
- e) When considering the application, all the evidence submitted was considered,

and particular attention was given to the principles of the Licensing Act 2003

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

RESOLVED to approve the application subject to the additional conditions:

The licence was issued as follows:

1. Approve live music indoors (section E of the application) from Monday to Sunday between 11:00 and 00:00.
2. Approve recorded music indoors (section F) from Monday to Sunday between 11:00 and 01:00.
3. Approve dance performances indoors (section G) from Monday to Sunday between 11:00 and 00:30.
4. Approve indoor entertainment which falls within section H of the application, from Monday to Sunday between 11:00 and 00:30.
5. Approve late night refreshments indoors (section I) from Monday to Sunday between 23:00 and 07:00.
6. Approve the supply of alcohol to be consumed on the premises (section J) from Monday to Sunday between 11:00 and 01:30. Approve the supply of alcohol to be consumed on the premises until 02:00 for private parties.
7. Opening hours to the public from Monday to Sunday are between 07:00 and 02:00 subject to a condition that there would be no entry for the public who are non-residents after 23:30.
8. The issues that had been included in section M of the application (i.e. the operating schedule) were included as conditions on the licence.
9. The conditions recommended by the Police in terms of CCTV will be added as conditions to the licence.
10. The noise control conditions suggested by Environmental Health and agreed to by the applicants will be added.

In considering the concerns submitted by Mr and Mrs Colclough, neighbouring residents, that granting the licence would result in an increase in noise, it was accepted that a noise problem did have the potential of being tantamount to a public nuisance, but no evidence had been provided of the frequency, length, intensity or likely impact of noise incidents which would emanate from approving the licence. Under the circumstances, the Sub-committee was not in a position to state that approving the licence would likely lead to a public nuisance problem. The same consideration was given to the smoking issue.

It was noted that Environmental Health had submitted observations confirming that there was no objection to the application, but recommended a series of conditions in terms of controlling noise. The Sub-committee had been given to understand that the applicant had agreed for these conditions to be included on the licence, should the licence be approved, and had agreed to a condition restricting entry to the public after 23:30. The Sub-committee was satisfied that the application, subject to proposed additional conditions in terms of noise control and restricting late entry, was in-keeping with the licensing objectives.

For information, it was added that observations in relation to cumulative impact were disregarded. It was reported that the Council did not have a cumulative impact policy and therefore it was beyond the authority of the Sub-committee to make a decision in terms of introducing such a policy. It would be the

responsibility of the Central Licensing Committee to decide to introduce a cumulative impact policy, following evidence which would justify creating a policy.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The Sub-committee noted that it appreciated the work of officers and that both hearings had shown that clear communication made the process easier.

The meeting commenced at 10.15 am and concluded at 12.00 pm

CHAIRMAN