

CENTRAL LICENSING SUB COMMITTEE FRIDAY, 12 APRIL 2019

Present-

Councillors: Dafydd Owen, Jason Wayne Parry and Elfed Williams

Also present: Geraint Brython Edwards (Solicitor), Lowri Haf Evans (Members and Scrutiny Support Officer) and Gwenan Mai Roberts (Public Protection Manager - Environment)

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

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:

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- 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

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- 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 11.00 am and concluded at 11.30 am

CHAIRMAN