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## CENTRAL LICENSING SUB COMMITTEE 5/11/19

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**Councillors** : Elfed Williams (Chair), Annwen Hughes and Jason Wayne Parry

**Officers:** Geraint B Edwards (Solicitor), Gwenan M Roberts (Licensing Manager) and Lowri H Evans (Democratic Services Officer).

**1. APOLOGIES**

None to note

**2. DECLARATION OF PERSONAL INTEREST**

None to note

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR A PREMISES LICENCE**

**Ffestiniog Railway, St Helen's Road, Caernarfon**

**On behalf of the premises:** Mr Stephen Greig (Caernarfon Station Manager)

**Others invited:** Mr Ian Williams, North Wales Police

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Caernarfon, Ffestiniog and Welsh Highland Railway station, St Helen's Road, Caernarfon. The application was made in relation to a multi-purpose building, which included a shop and ticket office for the railway, and a café. It was intended to sell alcohol on and off the premises, show films and stage dramas, have live and recorded music, dance performances and similar entertainment.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the 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 highlighted that these objectives would be included on the licence.

It was noted that an observation had been received from North Wales Police with a suggestion to include a condition for the applicant to install CCTV on the

premises and to add the clause 'with 14 days' notice to the Police and Local Authority' in sections A,B,E,F,G,H, J and L where reference was made to 'non-standard times'.

It was recommended for the Committee to approve the application in accordance with what had been agreed with the Police and in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was adhered to:

- 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 present their observations.
- The licensee, or his/her 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 applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to install a CCTV system.
- Non-standard times would be for special events (e.g. Christmas train journeys, volunteers' dinner).
- That he accepted the conditions proposed by the Police.

- c) Exercising his right to speak, an officer from the Police confirmed that the Police had no objection to the application. He added that conditions had been proposed to the applicant and that they would need to be formalised. A condition was proposed which involved installing CCTV on the premises and adding the clause 'with 14 days' notice to the Police and Local Authority' in sections A,B,E,F,G,H, J and L where reference was made to 'non-standard times'. It was noted that the applicant had agreed to accept these conditions on the licence.

- d) The applicant withdrew from the room whilst the Sub-committee members discussed the application.

- dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, and the Licensing Officer's report, as well as the verbal comments from the applicant 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**

- a) It was accepted that the Police did not object to the application but they recommended that additional conditions be imposed in relation to CCTV. In the opinion of the Sub-committee, these conditions were reasonable and commensurate and were proactive steps towards promoting the licensing objectives of preventing crime and disorder. The applicant had confirmed that he agreed with the observations.

The Sub-committee was satisfied that the licence application as amended, with the inclusion of the proposed conditions by the Police, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

## **5. APPLICATION FOR A PREMISES LICENCE**

### **Sustainable Weigh, 13 Castle Square, Caernarfon**

**On behalf of the premises:** Mr Daniel John Hunt (applicant)

**Others invited:** Mr Ian Williams, North Wales Police

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Sustainable Weigh, 13 Castle Square, Caernarfon. The application was made in relation to the sale of alcohol off the premises. No alcohol would be consumed on the premises.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the 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 highlighted that these objectives would be included on the licence.

It was noted that observations had been received from North Wales Police recommending that the applicant installed a CCTV system on the premises and introduced a Challenge 25 Scheme. There was also an observation from the Fire Service noting that they did not object to the application provided that the owner had ensured that the emergency lighting of the fire exit was working, the fire alarm system had been serviced and was in operation and that fire extinguishers had been serviced and were up to date.

It was recommended for the Committee to approve the application in accordance with what had been agreed with the Police and in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was adhered to:

- 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 present their observations.
- The licensee, or his/her 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 applicant noted that he was happy with what had been presented.

He added the following observations:

- He intended to install a CCTV system.
- Three cameras had been installed on the site.
- He confirmed that alcohol would not be consumed on the site.

c) Exercising his right to speak, an officer from the Police confirmed that the Police had no objection to the application. He added that conditions had been proposed to the applicant and that they would need to be formalised.

The applicant withdrew from the room whilst the Sub-committee members discussed the application.

dd) In reaching its decision, the Sub-committee considered the application form submitted by the applicant, written observations submitted by interested parties, the Licensing Officer's report, as well as the verbal comments from the applicant 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**

It was accepted that the Police did not object to the application but they recommended that additional conditions be imposed in relation to CCTV and the introduction of a Challenge 25 Scheme. In the opinion of the Sub-committee, these conditions were reasonable and commensurate and proactive steps towards promoting the licensing objectives of preventing crime and disorder and protecting children from harm. The applicant had confirmed that he agreed with the observations.

The Sub-committee was satisfied that the licence application as amended, with the inclusion of the proposed conditions by North Wales Police, was in line with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter and sent to everyone present.

## 6. APPLICATION FOR A PREMISES LICENCE

### 1. The Sandbar Restaurant, The Warren, Abersoch

**Councillors Elfed Williams and Jason W Parry had undertaken a site visit, organised and supervised by Heilyn Williams, Licensing Officer 04.11.19.**

The panel and the officers were introduced to everyone present and it was announced that all had up to 10 minutes to present their observations on the application.

**On behalf of the premises:** Julian King, Haulfryn Group Ltd  
Bobby McGee, Haulfryn Group Ltd  
David John, Haulfryn Group Ltd  
Matt Pressman, Haulfryn Group Ltd  
Simon Conway, Haulfryn Group Ltd

**Others invited:** Mr Ian Williams, North Wales Police  
Local consultee - Mr Nigel Jackson

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for the supply of alcohol off the premises, live music, recorded music indoors and outdoors and the provision of late night refreshments, seven days a week.

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that the 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 highlighted that these objectives would be included on the licence.

It was noted that an observation had been received by North Wales Police recommending that the applicant installed a CCTV system on the premises. Seven e-mails were received from owners of holiday units on the site objecting to the application on the basis of the four licensing objectives - crime and disorder prevention, public nuisance prevention, ensuring public protection and the protection of children from harm.

It was reported that the Licensing Authority had not been convinced that the application offered sufficient details in relation to the intended measures to alleviate the respondents' concerns and to ensure that the Licensing Objectives would not be undermined.

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 to 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/her representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.

b) In expanding on the application, the applicant's representative noted that he was happy with what had been presented. Photographs of the park were circulated to the Sub-committee and consultees to assist with the elements in question.

He added the following observations:

- The site visit had been beneficial.
- Abersoch Community Council had no objection to the application.
- They accepted the conditions of the Police to install a CCTV system on the premises.
- The conditions and rules of a restaurant were different to the rules and standards of the park.
- Access to the site was managed 24 hours a day by two security officers who were qualified with the Security Industry Authority.
- Minor offences and disorder were dealt with appropriately.
- The car park was sufficient.
- More lighting had been installed on the site.
- Staff would be trained in order to implement the Challenge 25 policy.
- Accepted the observation that communicating with residents about changes needed to improve.
- The restaurant would be effectively managed by focusing on providing users with a good experience.
- There was no intention to use the restaurant to hold music events only - specific events would be held, e.g. weddings, New Year's Eve party.
- The restaurant would be open to the public.
- There was planning permission for the purpose of restaurant use.
- He was willing to consider the objections and welcomed an open dialogue in an attempt to alleviate the concerns.

In response to a question regarding concerns by residents about noise from the restaurant, the applicant proposed noise control conditions (should the licence be granted).

- *Noise or vibration causing an unreasonable disturbance to people in the vicinity could not derive from the property.*
- *The level of amplified noise used in relation to the entertainment provided would always be under the control of the licensee / managers and the control system would be operated in a part of the property that was not accessible to the public.*

The conditions were welcomed as proactive steps to promote the objective of preventing public nuisance.

The Licensing Manager reiterated that Public Protection - Environmental Health Unit had not provided observations as it had not received complaints / evidence, but it supported the proposed noise conditions.

- c) The consultees present at the meeting took advantage of the opportunity to elaborate on their objections to the licence's approval and they reiterated the observations that had been presented by letter. Photographs of the park were circulated to the Sub-committee and the applicant to assist with the elements in question.

Mr Nigel Jackson

- There was no objection to the applicant being granted a licence, but rather an objection to the hours of the licensable activities of the application.
  - Photographs that had been submitted were misleading. Although the car park was large in size, it was being used as an area to store residential units or caravans.
  - Consistency was required between park rules and restaurant rules.
  - The size of the restaurant was substantially larger than the previous kiosk that was used as a bar.
  - Nine speakers had been installed on the external walls of the restaurant.
  - Minor offences and disorder occurred on site and it could increase with access to the public.
  - The licensed hours would encourage a drinking environment which could lead to problems of creating public nuisance. A concern that it would be easy to run a bar with music only on the site should the restaurant not succeed.
  - The main concern was the increase in non-residents which could lead to an increase in public nuisance, environmental impact and public use of the site.
- ch) Exercising his right to speak, an officer from the Police confirmed that the Police had no evidence to object to the application as it was a new application. He highlighted that 11 events had been recorded for The Warren but they were not associated with the property in question. He added that he had visited the site and had discussed CCTV conditions with the applicant.
- d) In summarising their application, the applicants noted the following observations:
- It would be possible to arrange for the car park not to be used as a storage area.
  - The previous kiosk had a licence until midnight.
  - There was no intention of running the site as a drinking site.
  - There would be no access after 11pm to purchase or sell alcohol.
  - The intention was to run a restaurant.
  - The company had been established since 1935 with a healthy relationship with the local community - it was intended to continue to collaborate responsibly with the local community.
  - A substantial investment was being made to maintain and improve the luxury holiday park.
  - It was hoped to extend the season to 12 months.
  - The restaurant would employ up to 24 people during the busiest periods.
  - There was an intention to offer a good experience in a special location.
  - The company had a good reputation to protect.

In response to the observation regarding collaborating reasonably, the objector noted that the company had increased annual fees in order to construct the restaurant with an understanding that there would be a discount after the construction period. This was now inaccurate and, therefore, an example of

irresponsible action. It was also reported that four cases of temporary licences had been granted and that one of those events had been held without a licence. If the company could not comply with the rules of temporary licences it was argued whether or not they deserved a full licence.

In response to the observations, the applicant noted that there had been no breach or lack of compliance with the conditions of a temporary licence. It was added that there was no evidence to support the allegation and that the observation had therefore been refuted. The Licensing Manager noted that no complaints had been received and that she would seek assurance that the applicant complied with the requirements of the licence.

The applicant withdrew from the room while members of the Sub-committee discussed the application.

dd) In reaching its decision, the Sub-committee considered the application form along with written observations submitted by interested parties, the Licensing Officer's report, and verbal observations 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

#### **RESOLVED to approve the application**

It was considered that the observations by the Police were not in objection to the application, but they recommended that standard conditions be imposed in relation to CCTV. This condition was proposed in order to promote the licensing objectives of preventing crime and disorder and it was confirmed that the applicant agreed to them.

The Sub-committee did not deny the possibility that granting the licence could lead to an increase in customers, including customers from outside the Warren site. The possibility that some customers could offend and behave in an antisocial manner, which would undermine the objective of preventing crime and disorder, could not be denied either. Similarly, the possibility that granting the licence could lead to noise and loud music problems, which would undermine the objective of preventing public nuisance, could not be denied.

However, should the licence be granted, no robust evidence of the number, density, frequency of potential incidents of offending or noise complaints had been submitted. As a result, it was difficult for the Sub-committee to anticipate whether problems were likely to reach the threshold of accounting as a crime and disorder problem or "public nuisance" under law. On the basis of evidence that had been received, the Sub-committee did not believe that granting the licence would be likely to undermine the objectives of preventing crime and disorder and preventing public nuisance. It was added that noise control conditions proposed by the applicant would reduce any risk of noise emanating from the property.

Among the objections, it was noted that rules bound the residences and the

Warren site. These rules included prohibiting noise between 23:00 and 08:00 (rule 19), and prohibiting the consumption of alcohol in public (rule 20). While the Sub-committee accepted the existence of these rules, it was not a reason to refuse the licence. The decision of the Sub-committee was to ensure that the hours and licensable activities of the licence were in accordance with the licensing objectives. It was highlighted that consideration could not be given to rules determined by a third party and rules where the Sub-committee was unaware of what objective consideration had been given to licensing objectives when they had been introduced. It was added that no evidence had been received that it was intended for these rules to bind the property itself and as noted by the applicant's representative, the restaurant in question was of completely different nature to the residences.

In the context of undermining the objective of ensuring public safety, the Sub-committee had not received any evidence beyond speculation that granting the licence would undermine the objective. It was reported that the property had planning permission for its intended use as a restaurant and that access safety would be addressed as part of the planning process. It was noted that any public safety concerns would have been discussed with the Highways Department, the Planning Department or the Police and the lack of observations from those bodies strongly suggested that there would be no serious implications to public safety. Members were reminded that the applicant's representative had highlighted the intention of increasing the car park's capacity which, in the opinion of the Sub-committee, would alleviate any concerns.

Similarly, no reliable evidence had been received to support the argument that granting the licence would put children at risk of harm. Again, it was explained that it was not the work of the Sub-committee to speculate on the impact - conditions could be measured when the property was in operation. If complaints were received that conditions were ineffective, then the licence could be brought before the Sub-committee under an application to vary or review the licence. The Sub-committee was of the opinion that the property's proposed conditions were sufficient to safeguard the objective of preventing children from harm. In addition, any attempt to purchase alcohol by under-age persons would be addressed by the property by implementing the Challenge 25 Scheme in accordance with the operating schedule submitted with the application.

Under the circumstances, the Sub-committee was satisfied that the application, with the noise control conditions proposed by the applicant at the hearing, along with the conditions recommended by the Police, were in accordance with the four licensing objectives.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter along with the right to submit an appeal at Caernarfon Magistrates' Court within a 21 day period from receiving the solicitor's letter.

The meeting commenced at 10.10 am and concluded at 1.05 pm

**CHAIRMAN**