
CENTRAL LICENSING SUB COMMITTEE 25/07/24

Attendance:

Councillors: Elfed Williams (Chair), Linda Ann Jones and John Brynmor Hughes

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Ffion Muscroft – Public Protection Officer and Mared Llwyd – Public Protection Team Leader (Pollution and Licensing Control)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE

Others invited:

Non Edwards – Applicant
Siân Astley – Applicant's Business Partner

The Chair welcomed everyone to the meeting.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for the Jac Y Do pub and restaurant, the Conservative Club, Caernarfon. The application was submitted in relation to Live and Recorded Music Indoors, Late Night Refreshments and the Supply of Alcohol on and off the Premises.

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, and it was highlighted that these measures would be included on the licence.

Attention was drawn to a response that had been received during the consultation period from Environmental Health indicating that noise control considerations had not been adequately addressed. They had suggested that a

noise assessment, noise insulation and mitigation measures needed to be undertaken to ensure that noise from the premises did not cause a statutory nuisance to residents of nearby residential properties. As a result, they recommended refusing the application.

In the absence of the Public Protection Officer, the Licensing Manager reiterated that since the publication of the Sub-committee agenda, a noise assessment had been received and the officer now recommended approval of the application subject to including the noise and light conditions submitted by the Environmental Health Department.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
 - The applicant and / or his representative to be invited to expand on the application and to call witnesses
 - Members of the Sub-committee to be given the opportunity to ask questions of the applicant and / or his representative
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his representative
 - Every Consultee to be invited to support any written representations
 - The Council's representative and the applicant or his representative to be given the opportunity to summarise their case.
- c) In response to a question about the Public Protection Department's handling of a planning application for the property to be used as a pub, and that adequate considerations had not been given to noise control, the Legal Officer noted that while noise was a relevant matter to the planning and licensing system it was the licensing context that needed to be considered here.
- ch) Elaborating on the application, the applicant stated:
- That it was intended to play background music – nothing noisy. That there was no intention to play live music every day – perhaps once every two weeks.
 - The premises had opened temporarily during the Caernarfon Food Festival and it had emerged at the time that a planning application was needed. The landlord had not submitted an application.
 - A noise assessment had now been submitted.
- d) The consultee in attendance took the opportunity to expand on the observations that had been submitted in writing by them.

In the absence of the Environmental Health Officer, the Licensing Manager confirmed that a noise assessment had now been received and that the officer was satisfied that this assessment complied with the requirements. She also expressed gratitude for the good co-operation between the Public Protection Department and the applicant.

Everyone was thanked for their observations.

The applicant, the respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application as submitted, subject to including the noise and light conditions submitted by the Environmental Health Department.

- The internal LAeq 15 min sound level and the LAeq 15 min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased inside any residential property (which has been measured with the windows open or closed) as a result of noise emanating from the licensed premises. For the purpose of this condition LAeq is defined in BS4142: 2019
- To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during entertainment, except for access in and out of the premises.
- Should Cyngor Gwynedd obtain evidence following the issuing of this licence that noise condition (i) is not being adhered to, then the premises owner shall carry out the following:
 - Carry out noise insulation / abatement works to ensure compliance with a noise condition and / or
 - Install a noise control device in the room(s) where the entertainment is held. The device will be set 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.
- Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Environmental Health Officer (Pollution), Cyngor Gwynedd.
- The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22:00 – 08:00. Empty bottles shall be stored in a lidded skip/bin within the curtilage of the premises.
- 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.
- No music is permitted to be played outside the premises.
- Internal and external lighting provided for the purpose of staff safety or for the security of the premises shall be positioned so as not to cause nuisance to neighbouring properties.

Additional conditions to be included

- **A report will be submitted to the Council detailing the potential for noise from amplified music in the property to affect neighbouring noise-sensitive properties on Market Street, High Street, Caernarfon, and the flats above the building.**
- **If the assessment indicates that noise from the premises is likely to affect neighbouring noise-sensitive properties then it should include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise-sensitive properties by noise from the licensed premises.**
- **All recommended works to be completed prior to the commencement of the premises licence and the Licensing Authority to be notified at least 5 days in advance of the works being completed and the premises being used.**
- **A noise limiting device shall be installed to control and measure noise**
- **Include the additional measures submitted in part M of the application, as conditions on the licence.**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** no evidence had been submitted that related to this principle.

In the context of **Public Safety**, no evidence had been submitted that related to this principle.

In the context of **Public Nuisance Prevention**, the Environmental Health Service was satisfied with the application provided the conditions they proposed in response to the application, along with the further conditions recommended in the Noise Assessment Report, were included on the licence. No further observations had been submitted in relation to this principle, so the Sub-Committee was willing to approve subject to the conditions.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. No comments / objections had been received from the public or from the Local Member. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

5. APPLICATION FOR A PREMISES LICENCE

Others invited:

- Stephanie Jeavons – Applicant
- Elizabeth Williams – Licensing Officer, North Wales Police

- a) Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Moto Camp Wales, Pen y Cefn Road, Dolgellau, Gwynedd. The application was submitted in relation to a premises licence to: Sell alcohol to customers who are staying with them on the site (on the premises) from 14:00 - 02:00, Monday to Sunday. Live music during weekend activities (indoors and outdoors) between 12:00 and 23:30 on Fridays, Saturdays and Sundays. Recorded music (indoors and outdoors) again from 12:00 until 23:30 on Fridays, Saturdays and Sundays.

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, and it was highlighted that these measures would be included on the licence.

Attention was drawn to a response that had been received during the consultation period highlighting that North Wales Police had requested for additional conditions to be included on the licence relating to collaboration with the Safety Advisory Group. It was highlighted that neither the Fire Service nor the Public Protection Department had any objection to the application despite highlighting noise complaints that had been received following a temporary event held at the site in 2023. Although site staff had dealt with the complaints effectively, it was considered that allowing live music until 23:30 every Friday to Sunday would cause a public nuisance to nearby residents, and therefore, following discussions with the applicant, it was noted that a compromise to allow up to four events per calendar year for outdoor music had been agreed.

The Licensing Authority recommended that the Committee considered the observations received and approved the application provided that the applicant was satisfied with a compromise agreed with Public Protection and agreed with the conditions of the Police.

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

- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
- At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
- The applicant and/or his representative to be invited to expand on the application and to call witnesses
- Members of the Sub-committee to be given the opportunity to ask

questions of the applicant and/or his/her representative

- At the Chair's discretion, the Council's representative to ask questions to the applicant or his/her representative
- Every Consultee to be invited to support any written representations
- The Council's representative and the applicant or his/her representative to be given the opportunity to summarise their case.

c) Elaborating on the application, the applicant noted:

- That she was happy with the compromise to reduce the number of events with outdoor music to four in a year – this gave them a good opportunity to prove themselves of managing events without interruption.

ch) The consultee in attendance took the opportunity to expand on the observations that had been submitted in writing by them.

Elizabeth Williams, North Wales Police

- That the applicant was requested to complete a simple questionnaire relating to managing safety.
- That the compromise with Public Protection was a wise one, but all events would require the approval of North Wales Police and Cyngor Gwynedd – a proper risk assessment and management plan would have to be submitted for these events.

In the absence of the Public Protection Team Leader, the Licensing Manager stressed the need for the applicant to complete the questionnaire relating to safety management, and submit it to the Safety Advisory Group for discussion. It was reiterated that if the Police and Council were pleased with the management of the premises during events with outdoor music, and there were no negative experiences, then options such as varying the licence or serving a temporary event notice could be considered. She noted that Police conditions were part of the practicality of the process.

Everyone was thanked for their observations.

The applicant, the respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act

2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application as submitted, subject to amending outdoor music conditions to 4 events per calendar year during the requested period of 12:00 – 23:30.

Additional conditions to be included

- **Create detailed event safety management plans for each individual event which shall be discussed with North Wales Police and Cyngor Gwynedd, and agreed with each member of the Safety Advisory Group (SAG) and implemented by the Event Organisers.**
- **Each event to seek approval from North Wales Police and Cyngor Gwynedd by submitting appropriate Risk Assessments for events and a Management Plan.**
- **Measures to prevent crime and disorder and crowd management shall be agreed with the police and other members of the SAG and incorporated in the Events Management Plan and implemented by the event organisers.**
- **Each event shall have a specific event safety management plan. Measures to ensure public safety shall be discussed with members of the SAG and incorporated in the Events Management Plan and implemented by the Event Organisers.**
- **Include the additional measures submitted in part M of the application, as conditions on the licence.**

Particular consideration was given to the following.

In the context of **Crime and Disorder Prevention**, observations had been submitted by the Police recommending specific conditions to be included on the licence in relation to holding events. The applicant was concerned that having to submit a plan for each event would be burdensome, but it was explained that a questionnaire would have to be completed for each event, but that the requirements, in terms of preparing a plan would be proportionate to the nature of the particular event. The Sub-Committee was of the opinion that the conditions should be kept as they were. Despite concern about traffic and land use, it was noted that the applicant would have to comply with the requirements.

In the context of **Public Safety**, no evidence had been submitted that related to this principle.

In the context of **Public Nuisance Prevention**, the Public Protection Service had submitted observations expressing concerns that outdoor music could undermine this principle particularly as noise complaints had been received following an event in 2023. However, the service was satisfied that staff had dealt with those complaints as soon as they had been made aware of them. A compromise had been agreed with the applicant that 4 events per calendar year for outside music (live and recorded) for the requested hours would be acceptable.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10.00 am and concluded at 11.20 am

CHAIRMAN