



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

10.00 am, MONDAY, 30TH JUNE, 2025

Location

Virtual Meeting

NOTE

*** For public access to the meeting, please contact us***

Contact Point

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(DISTRIBUTED Friday, 20 June 2025)

CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Annwen Hughes
Edgar Wyn Owen
Elfed Williams
Gwynfor Owen
Gwilym Evans

Gareth Tudor Jones
Huw Rowlands
Alan Jones Evans
Arwyn Herald Roberts
Meryl Roberts

Independent (5)

Councillors

Gareth Williams
John Brynmor Hughes
Hefin Underwood

Angela Russell
Anwen J. Davies

Ex-officio Members

Chair and Vice-Chair of the Council

A G E N D A

1. ELECT CHAIR FOR 2025/26

To elect a Chair for 2025/26.

2. ELECT VICE-CHAIR 2025/26

To elect a Vice-chair for 2025/26.

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declarations of personal interest.

5. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

6. MINUTES

4 - 5

The Chairman shall propose that the minutes of the meetings of this committee held on the March 10th 2025 be signed as a true record.

7. LICENSING SUB COMMITTEE MINUTES

6 - 15

To submit, for information, minutes of the Central Licensing Sub-committee meeting held on the following dates –

a) 30-04-2025

b) 07-02-2025

CENTRAL LICENSING COMMITTEE 10-03-25

Attendance:

Chair: Councillor Elfed Williams
Vice-chair: Councillor Gwynfor Owen

Councillors: Annwen Hughes, John Brynmor Hughes, Gareth Tudor Jones, Edgar Owen, Huw Rowlands, Arwyn Herald Roberts, Hefin Underwood and Gareth Williams

Officers: Gareth Jones (Assistant Head of Environment Department), Andrew Parry (Public Protection Manager (Trading Standards), Gwenan Mai Roberts (Licensing Manager), Nia Grisdale (Legal Service Manager) and Lowri Haf Evans (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillor Anwen Davies, Councillor Alan Jones Evans and Councillor Angela Russell.

Condolences were extended to Councillor Angela Russell following the recent death of her husband.

Councillor Linda Ann Jones, former Member of the Licensing Committees, was thanked for her support to the Licensing Committees and Sub-committees during her time as a Plaid Cymru Member and best wishes were relayed to her.

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the previous meeting of this committee, held on 11 November 2024, as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted and received, for information, the minutes of the General Licensing Sub-committees held on 21 January 2025, 2 December 2024 and 11 November 2024, as true records.

In response to an observation to ensure the voice of the applicant in hearings instead of the voice of their representative, it was noted that Sub-committee members had the right to challenge the representative and ask the applicant to present / give observations on the application.

In response to an observation regarding the input of Community Councils to premises licence applications, it was noted that Community Councils were part of the statutory

consultation period and that they had the opportunity to express an opinion. It was reiterated that Community Council meeting timetables did not always go hand-in-hand with the consultation period, but they had an opportunity to offer observations. Should observations be submitted, a representative from the Community Council will be invited to attend the hearing to present their observations verbally.

Councillor Elfed Williams took the opportunity to thank the Committee Members and the Officers for their support whilst he had been Chair of the Licensing Committees.

The meeting commenced at 10:40am and concluded at 10:50

CENTRAL LICENSING SUB-COMMITTEE

30 April 2025

Attendance:

Councillors: Elfed Williams (Chair), Alan Jones Evans and Arwyn Herald Roberts

Officers: Nia Grisdale (Legal Department Manager), Gwenan Mai Roberts (Licensing Manager), Jac Ynyr Evans, Lowri Haf Evans (Democracy Services Officer)

Others invited:

Tom Leslie Applicant
Lisa Gilligan Applicant's Representative

1. **APOLOGIES**

Apologies were received from Nia Chilton (Local Resident)

2. **DECLARATION OF PERSONAL INTEREST**

None to note

3. **URGENT ITEMS**

None to note

4. **APPLICATION TO VARY A PREMISES LICENCE: Mickey's Beach Cafe, The Boatyard and Shipway, Bwlchtocyn, Abersoch**

The Chair welcomed everyone to the meeting.

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

A report was submitted by the Head of the Environment Department detailing an intention to sell alcohol on a daily basis during the peak seasons of the year. It was reported that the applicant was applying for a premises licence to sell alcohol (on and off the premises) from 10:00 - 17:30, Monday to Sunday.

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.

It was reported that the Responsible Authorities had not submitted any comments and although North Wales Police had highlighted initial concerns, the applicant had now agreed to the measures to respond to those concerns and therefore the Police had withdrawn them.

Attention was drawn to the responses received from Members of the Public and Llanengan Community Council. The public were concerned that there were no toilets on site, and although customers used public toilets nearby, the café had no control over these toilets and they could close at any time. It was considered that this may lead to the possibility of causing human waste problems in the area. Concern was also highlighted

- that the area had seen an increase in waste being scattered near the café and that could potentially worsen if more people come there to drink
- of an increase in broken glass and plastic on the beach near the café
- as the beach in front of the café was very popular with families, it was considered that selling alcohol could increase the potential for people to drink and operate power boats in the area, posing a danger for anyone swimming in the sea.

Llanengan Community Council's comments expressed concern regarding

- drinking on the beach, stating that machinery (e.g. speedboats/personal watercraft) and alcohol were not compatible
- the lack of on-site toilets - an issue that the Council had raised several times since the café was established on site
- the sale of alcohol which could increase the popularity of Traeth Machros, that in turn would create additional traffic on a narrow, winding road that lacked sufficient space for two cars to pass each other.

The officers noted that in accordance with the Licensing Act 2003, it was recommended that the Committee considered the respondents' comments, and the applicant's response to the concerns – and grant the application. It was reported that alcohol had been sold on the premises on a number of occasions last summer under Temporary Events Notices. No complaints had been received from the Licensing Authority or the Public Protection Unit following several events permitted under Temporary Events Notices.

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/her representative to ask questions of the Council's representative.
- The applicant and/or his/her 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 of 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.
- The legal officer to summarise the requirements of the application.

c) In response to a question regarding the lack of toilets on the site and the concern that the public toilets may close, it was noted that the application had to be considered in the context of the current situation.

ch) In elaborating on the application, the applicant's representative noted the following observations:

- There was a toilet on the site.
- An application for a licence had been submitted in 2024, but following a number of meetings with Environmental Health and North Wales Police officers to discuss complaints and concerns, the application had been withdrawn and it was decided to use Temporary Events Notices. Alcohol was sold on the premises on 21 occasions over the summer and no complaints had been received following these events.
- A commercial agreement for waste disposal was in place.
- There was no intention to use glass.
- There had been good co-operation with the Local Authority to try to alleviate concerns.
- The applicant proposed to amend the closing time to 1700 – this highlighted a willingness to address concerns.

In response to a question as to how the applicant would address the principle of preventing public nuisance, it was noted that there was no intention to play loud music, the opening hours were limited, and in the 21-day period when Temporary Events Notices were used, no complaints had been received by the Environmental Health Department or the Local Authority. It was reiterated that staff would receive regular documented training and although the café was not open in the evenings, staff would be on site until 1900, solely for the purpose of cleaning. The enterprise would be a responsible one.

In response to a question about the number of people who would be on site, it was noted that there was space for 20 - 25 people to sit around the tables, but there was much coming and going with people moving on.

In response to a question regarding the rubbish/waste collections, it was noted that waste collection was all done in one visit after 8am. In response to a nearby resident's concern stating that the café did not have permission to leave a bin on their land, it was noted that the bins were stored on land and put out for a collection near the car park. The applicant reiterated that he was not aware of the land rights, but that he would be willing to move the bins to another location and hold a discussion with the landowner.

- d) The consultees in attendance took the opportunity to expand on the observations that had been submitted by them in writing.

Mr Jeremy Beddows

- He was the owner of the land near the café and his property was located approximately 1 metre from the site
- The bins area was in his curtilage
- The refuse lorries had to travel along a very narrow road that also led to the entrance to the beach
- The situation could be resolved by holding a conversation
- It was welcomed that there was a toilet on site - the public toilets were far from the beach and therefore the land nearby and the garden were being soiled
- The beach was popular – there was an increase in the use of watercraft and the number of cars on the site and therefore concerns of drinking and driving needed to be taken into account
- Welcomed the fact that glass would not be used – happy with the use of polycarbonates
- There was a very high wall behind the café and people went there to sit with drinks – a sign was needed to highlight the danger

Mr Peter Baines

- He was the closest local resident to the café
- There had been an increase in the noise level due to the movement of bins during the period of the Temporary Events
- There would be a change to the area's atmosphere following the introduction of alcohol
- Drinking and driving watercraft was not policed
- Off-site alcohol sales were not well managed
- More lorries would come to the area if the number of produce suppliers increased. All deliveries were unloaded at the car park
- The beach was within the AONB
- The business tended to take advantage of a situation
- While there was no trouble during the temporary events, there was a sense that things would get out of control
- No discussions had taken place prior to the hearing

The Licensing Manager took advantage of the opportunity to summarise her case, noting that the applicant had agreed to additional conditions and had given assurance that loud music would not be played. It was also noted that the applicant would be encouraged to collaborate with neighbours.

The applicant's representative took the opportunity to summarise her case, stating that they had engaged with the Local Authority and the Police and that there was no attempt by the applicant to try to take advantage of the situation. She reiterated that there was no intention to run the site as a public house and that the enterprise should not have a negative impact on visitors. She noted that the applicant was very willing to collaborate with local residents and that measures had been proposed to alleviate the concerns. She also noted that objections had not been received by the Responsible Authorities.

- dd) The Legal Officer took the opportunity to summarise the requirements of the application
- An application to supply alcohol on and off the premises
 - It was proposed to agree to licensed hours 1000 - 1700 Monday to Sunday (opening hours 1000 - 1800)
 - Conditions to include no glass, appropriate staff training, implementation of Challenge 25, no loud music to be played, request for customers to leave quietly and respect neighbours, on-site CCTV and toilets available for use on the property
 - She noted the situation regarding the wall to the rear of the property, and that the suggestion of a safety sign was a matter for the Environment Department or Community Council
- e) The applicant's representative and the Licensing Manager withdrew from the meeting while the members of the Sub-committee 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.

DECISION: To approve the application

Opening Hours:

Sunday 10:00 - 18:00
Monday 10:00 - 18:00
Tuesday 10:00 - 18:00
Wednesday 10:00 - 18:00
Thursday 10:00 - 18:00
Friday 10:00 - 18:00
Saturday 10:00 - 18:00

Licensable Activities

Supply of Alcohol on and off the Premises

Sunday 10:00 - 17:00
Monday 10:00 - 17:00
Tuesday 10:00 - 17:00
Wednesday 10:00 - 17:00
Thursday 10:00 - 17:00
Friday 10:00 - 17:00
Saturday 10:00 - 17:00

The additional measures, as set out in section M of the application, to be included as conditions on the licence:

- **Staff Training**
- **Challenge 25**
- **The site to implement a zero-glass policy, with all alcohol sold in polycarbonates**
- **No loud music to be played on the site**
- **Staff to ask customers to leave quietly and to respect local residents**
- **CCTV system operational on the site**

Additional measures agreed with North Wales Police

- **The alcohol supplies would be from existing food suppliers – it was not anticipated that additional suppliers would lead to an increase in traffic**
- **Litter was collected as part of a commercial agreement on Tuesdays and Fridays, and would not take place outside the hours of 17:00 – 08:00 as normal**

In the context of **Crime and Disorder Prevention**, no observations or evidence had been submitted which related to this principle.

In the context of matters of **Public Safety**, no observations or evidence had been submitted which related to this principle.

In the context of **Prevention of public nuisance**, comments and objections were received from neighbours of the property expressing concerns about the potential for anti-social behaviour and public nuisance issues arising from the granting of the application. However, no comments or objections were received from the Public Protection

Department and no evidence of anti-social behaviour or increased noise levels was presented.

In noting the legitimate concerns expressed by the neighbours and local residents, the Sub-committee did not consider that there was evidence to indicate there was an issue of a public nuisance. The Sub-committee encouraged the applicant to discuss matters with the local residents in particular to resolve issues relating to waste collection and the concerns related to waste lorries and providers. The Sub-committee noted that the applicant was willing to reduce the licensed hours to 1700 instead of 1730 in order to limit the potential impacts on neighbouring properties. Other issues such as the availability of toilets and the implementation of a no-glass policy were addressed at the hearing. As with all licences granted, if any problems arose in connection with the licensing principles, the Act would allow a licence to be referred for review by the Authority.

In the context of **Protecting Children from Harm**, it was highlighted that the applicant had provided details of the steps to be taken to ensure that alcohol would not be sold to minors and these would be included as conditions on the licence. The Sub-committee also noted that the site had benefited from a number of Temporary Events Notices over the past 12 months and no complaints had been received or reported under the headings of the licensing objectives during these events.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. It was 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 received the letter (or a copy of the letter) confirming the decision.

The meeting started at 2:00pm and ended at 3:40pm

GENERAL LICENSING SUB-COMMITTEE 07-02-25

Attendance:

Councillors: Elfed Williams (Chair), Gwynfor Owen and Huw Rowlands

Officers: Sion Huws (Propriety and Elections Manager), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Applicant - Mr A

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12A of the Local Government Act 1972. These paragraphs applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5. APPLICATION FOR RENEWAL OF HACKNEY / PRIVATE HIRE VEHICLE DRIVING LICENCE – Mr A

The Chair welcomed everyone to the meeting. He highlighted that the decision would be made in accordance with Cyngor Gwynedd's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Manager submitted the written report on the application received from Mr A to renew a hackney/private hire driver's licence. The Sub-committee was requested to consider the application relating to the individual's suitability to be a driver of a hackney/private hire vehicle.

The Licensing Authority recommended that the Sub-committee should refuse the application because the applicant's conduct in a recent incident did not meet the standard expected of a taxi driver.

A CCTV video was shown which evidenced the incident along with a history of reoffending in relation to the 2010, 2018 and 2024 public order convictions.

In response to a question regarding a licence renewal application, it was noted that a hackney / private hire vehicle driver's licence was current for three years – this was the standard period. It was highlighted that the applicant's licence had expired in December 2024 and he did not disclose the allegations against him on his application form – all applicants had a duty to report any allegations against them to the Licensing Authority. It was reiterated, occasionally, that the Police informed the Licensing Authority but this time it was a member of the public who had complained to the Police before bringing an official case against the applicant. After the applicant had been before the Court, he submitted the information along with a signed statement while awaiting a DBS.

The applicant was invited to expand on the application and provide information about the background of the incident and his personal circumstances. He noted that he had not fully completed his application form as he was awaiting the verdict of the charge against him. In the context of the December 2024 incident, he confessed that he had responded to the victim's threat, but the victim had threatened him first. He also revealed that he did not know the victim and had disclosed the incident to the Licensing Department, the following morning. He reiterated that he had been a bus driver for more than 30 years without any complaints and that the job as a taxi driver meant so much to him.

It was RESOLVED that the applicant was not a fit and proper person to be issued with a hackney carriage/private hire driver's licence from Cyngor Gwynedd.

In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- Individual Suitability Guidelines
- The report of the Licensing Department
- The applicant's application form
- DBS Statement
- Disclosure of Convictions and Statement signed on 21/11/24
- Certificate of Conviction from Caernarfon Magistrates Court
- Information Assurance from North Wales Police
- Witness Statement
- Applicant's Hearing Report and Records November 2021
- Closed Circuit Television (CCTV) Evidence
- Verbal comments by the applicant together with written evidence and information

Specific consideration was given to the following matters

Background

In December 2024, the applicant was found guilty of using threatening, aggressive and insulting words that were likely to alarm, intimidate or distress contrary to the Public Order

Act 1986. He was ordered to pay £50 compensation with a fine of £400. The Police did not present evidence on the charge of Assault by battery, therefore, the charge was dropped.

In November 2018, the applicant was found guilty of using threatening, aggressive and insulting words that were likely to alarm, intimidate or distress contrary to the Public Order Act 1986. He received a penalty of £100 and ordered to pay £85 costs.

In October 2010, the applicant was found guilty of using threatening, aggressive or insulting language, with the intention of causing distress or harassment contrary to the Public Order Act 1986.

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.4 stated that when an applicant had a conviction(s) or there were other matter(s) to be considered in connection with that, the Council could not review the merits of that conviction or the other matter.

Paragraph 4.5 was considered which stated that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allowed the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Paragraph 6.0 of the Policy addressed violent offences. Paragraph 6.1 stated that, since licensed drivers came into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who had offences involving violence.

Paragraph 6.5 of the Policy stated that an application for a licence would normally be refused if the applicant had a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application.

Paragraph 16.1 of the Policy deals with repeat offences. Firstly, it must be ensured that the convictions satisfy the policy guidelines individually, but that they together create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The Policy states that ten years must have elapsed since the most recent conviction.

CONCLUSIONS

The Sub-Committee concluded that the convictions were violence-related offences.

In 2021, the Sub-Committee resolved to approve the applicant's application after they had considered his evidence although the policy stated that an application should be rejected if a period of 10 years had not elapsed since the last conviction. In December 2024, it was seen again that it was less than 3 years since the latest offence (November 2021) and, therefore, a starting point for the considerations would be to refuse the application. Consideration was also given to a pattern of re-offending, which involved the same type of behaviour with two offences within the 10-year period.

The Sub-Committee also considered the circumstances in this particular case and accepted that the applicant's comments about the incidents in question were an honest statement of what had happened on the Maes in Caernarfon. It was also accepted that, based on the evidence submitted, the victim had come over to the applicant after seeing that he was parked on the Maes and, therefore, from what the Sub-Committee had seen from Closed Circuit Television (CCTV) evidence of the Maes, it was the victim who had started the confrontation on the night.

However, the applicant disagreed with others' interpretation of his conduct in relation to the second incident, with the victim later on the same night denying punching the victim through a car window. It was not the role of the sub-committee to reach a finding of fact whether or not that incident amounted to an offence as the applicant had been charged with assault by battery and the Police had not presented evidence in relation to that charge. Nevertheless, CCTV evidence clearly showed that some time after the first incident, that the applicant by stopping his car in front of the victim's car in order to force him to stop, had got out of the car and threatened the victim. The sub-committee concluded that regardless of what had occurred between the applicant and the victim that this second incident had begun with the applicant's actions and that his conduct was unacceptable and far from the expected standard of a licensed driver.

It was made clear that the Authority had a duty to protect the public and as part of that the risk of repeat offending must be assessed. In light of the latest incident (the December 2024 conviction), the Sub-Committee agreed with the Licensing Unit that the applicant had received another conviction for the same type of offence and that was proof that there had been no improvement in his conduct since the November 2021 hearing. It was highlighted that this pattern was one of aggression and intimidation with evidence of a further incident in 2010. The Sub-Committee was therefore not confident that similar behaviour would not be seen again.

The Sub-Committee also considered the provisions of Suitability Guidelines, which set out the need to consider the character of a driver as a whole including the attitude and temperament of the individual concerned. It was reiterated that the Guidelines emphasised that drivers needed to demonstrate appropriate professional conduct at all times. In this case, the relevance of paragraph 4.15 was considered as it stated that unacceptable offences or conduct that occurred while driving a hackney or private hire vehicle were constituted as a breach.

In addition, the sub-committee was disappointed with the applicant's accusations towards the officers of the Licensing authority. Again, this was not the conduct expected of licensed drivers.

The sub-committee concluded that the convictions were in themselves sufficient reason to reject the application under Council Policy, but having considered all the evidence submitted, no reason was found why the provisions of the Policy should not be followed in this case. The Sub-Committee resolved to refuse the application and deemed that the applicant was not a fit and proper person to renew their hackney and private hire vehicle driver's licence with Cyngor Gwynedd.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant highlighting his right to appeal the decision.

The meeting started at 10:00 and concluded at 11:55.