
CENTRAL LICENSING SUB COMMITTEE 16/07/25

Present:

Councillors: Gwynfor Owen (Chair), Edgar Owen and Angela Russell

Officers: Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Item 4:

Premises Licence Application: Otto's, 2 Seaview Terrace, Aberdyfi,

Sam Woodward The Applicant

Daniel Cartwright Senior Harbours Officer
Gary Loveman Local Resident / Businessman

1. APOLOGIES

Apologies were received from Bryn Pritchard Jones (Maritime Service Manager) and Mr Phil Thomas (Local Resident)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENSE

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

The report of the Head of the Environment Department was presented giving details of a premises licence application for Otto's Aberdyfi, Unit 2, Information Centre, The Wharf, Seaview Terrace, Aberdyfi, Gwynedd, LL35 0ED. It was explained that the premises was a small café located in the wharf gardens in Aberdyfi which had a designated outdoor seating area facing the sea, away from the road and residences. It was highlighted that the area was rented from Aberdyfi Harbour and Cyngor Gwynedd.

It was noted that the café sells pizzas, sandwiches etc from the premises for

consumption on the premises in the outdoor area, or off the premises as a take-away. It was also proposed to sell alcohol to be consumed on the premises on a daily basis or to be sold with take-away food in sealed containers – the applicant was applying for a licence to sell alcohol (on and off the premises) from 11:00 – 22:00, Monday to Sunday. The opening times will vary according to the season.

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 comments, but responses received from members of the public and the Maritime Service were highlighted. The public was concerned from a safety perspective that an application for any alcohol sales near the port/harbour could lead to accidents near an area where families with children enjoy crab fishing. Concern was also highlighted

- that combining the sale of alcohol with the sale of food to be consumed off the premises would increase the possibility that the Wharf Gardens would be used to consume food, and any alcohol purchased at the same time – this increased the possibility of anti-social behaviour issues, including unfair and inappropriate noise, odours, waste (including glass).
- the restaurant's location was in a very busy area on the harbour in Aberdyfi – with active fishing boats and vehicles launching and loading. Y Gwaun, which was run by the Harbour Manager, was busy with safety issues.

The Maritime Service's comments indicated concern that the applicant had not received permission from the Aberdyfi Harbour Advisory Committee prior to submitting an application for the sale of alcohol.

The officers, in accordance with the Licensing Act 2003, recommended that the Committee consider the respondents' comments, and the applicant's response to the concerns – and approve the application. It was considered that the hours requested were reasonable, and in-keeping with similar nearby businesses. The business's primary purpose was not to sell alcohol; the proposal was for the sale of alcohol to accompany and complement the sale of food from the premises. The premises is not close to houses, and the seating area faces the sea, which made the risk of noise nuisance low.

On-screen photos of the site's location were shared.

It was explained:

- that there was no commercial vehicle access to the Harbour
- That the premises' outdoor seating area was limited
- The proposed application was in line with the latest planning application for the premises

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 may ask questions of the applicant or his/her representative.
- Every Consultee to be invited to support any written representations.
- Give an opportunity for the Council's representative and the applicant or his/her representative to summarise their case.
- The legal officer to summarise the requirements of the application

c) In response to a question about what the building next door to the site was, it was noted that this was the Eryri National Park Tourist Information Centre. It was added that the Rowing Club site was nearby.

d) Elaborating on the application, the applicant made the following observations:

- That the café was a small café selling pizzas and sandwiches etc
- The café was open until 21:00
- That the café was for families – was aware of nearby family activities – children's safety was a priority
- With the support of Eryri National Park and the Harbour Master's Office, the A3 use application for outdoor seating had been approved in July 2024. In May 2025 the site had received a licence from the Gwynedd Maritime Department for outdoor seating from February to October. The lease did not prohibit the sale of alcohol.
- In June 2025, a variation to the planning application was approved to allow the sale of hot food to be carried off the premises. A condition on the licence stated that the seating area needed to be surrounded by safety barriers. It was reported that a new fence had been erected around the wharf, and it had been designed with the safety of children crabbing in mind. A thorough risk assessment process was followed during the construction of the wharf and the fenced area.
- The seating area in front of the café was limited, and would only be used when the weather was favourable
- It was not proposed to sell drinks without food – this would not benefit the business. The alcohol will not be served in bottles/glasses
- Having been open for 3 nights, some customers had brought alcoholic beverages from other licensed locations to enjoy with their food, so there was a clear demand for this.
- It was emphasised that it was not intended to run the premises as a pub or wine bar
- It was anticipated that most of the business would be in takeaway food or deliveries – that a licence was required to offer alcohol for sale to these clients
- He apologised that he had not contacted the Maritime Service prior to submitting the application

In response to a question regarding opening hours, the applicant stated that the café was open until 21:00, but that the takeaway and delivery service was available until 22:00

e) The consultees in attendance took the opportunity to expand on the observations they had submitted in writing:

Daniel Cartwright, Senior Harbours Officer

- Operational and safety issues would be discussed at a meeting of the

Aberdyfi Harbour Advisory Committee. The committee had not met to discuss the application – the next meeting would be in October

Gary Loveman, Local Resident / Businessman

In response to a suggestion by Mr Loveman that a decision to approve the application had already been made prior to the hearing, the Legal Officer and the Chair noted that there had been no discussion on the matter and that only a recommendation had been submitted from the licensing officers.

- There were concerns about child safety on the site
- There would be more litter around the site
- There was no designated person on site to oversee day-to-day matters. The owner was a very busy man
- There was no place to sit inside the café
- The Harbour's support was needed
- The premises were unsuitable for the sale of alcohol in Aberdyfi

- dd) The Licensing Manager took advantage of the opportunity to summarise her case, noting that a recommendation had been made based on the information submitted, adding that no evidence had been submitted by the respondents to recommend refusing the application. It was noted that the responsible authorities had not offered comments to refuse the application, and the functions and rights of the Aberdyfi Harbour Advisory Committee to approve/refuse a licence were questioned.

It was noted that a licence was not required to sit outside to drink alcohol and that other businesses in the town took advantage of this. The seating area outside the café is very small and alcohol sales from the premises would not result in a significant increase in numbers sitting outside to drink alcohol

The applicant took advantage of the opportunity to summarise his case and noted that he provided employment locally and should the Aberdyfi Harbour Advisory Committee want to propose comments, they could organise an extraordinary meeting of the committee.

- f) The Legal Officer took the opportunity to summarise the requirements of the application
- An application to serve alcohol on and off the premises from 11:00 – 22:00 Monday to Sunday
 - That the management and recording of CCTV is conditioned on the licence

- dd) 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

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

DECISION: To approve the application

Opening Hours:

Sunday 11:00 – 22:00
Monday 11:00 - 22:00
Tuesday 11:00 - 22:00
Wednesday 11:00 - 22:00
Thursday 11:00 - 22:00
Friday 11:00 - 22:00
Saturday 11:00 - 22:00

Licensable Activities

Supply of Alcohol on and off the Premises

Sunday 11:00 - 22:00
Monday 11:00 - 22:00
Tuesday 11:00 - 22:00
Wednesday 11:00 - 22:00
Thursday 11:00 - 22:00
Friday 11:00 - 22:00
Saturday 11:00 - 22:00

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

- **Staff Training**
- **Challenge 25**
- **Alcohol, ordered as an off-premises takeaway sale, to be sold in sealed containers.**
- **All other alcohol sales for on-premises and off-premises consumption will be sold in reusable plastic cups with a deposit scheme.**
- **CCTV system operational on the site**

In the context of **Crime and Disorder Prevention**, no comments or evidence relevant to this principle were presented.

In the context of matters of **Public Safety**, comments and objections had been received from neighbours to the café who had expressed concerns about public safety given the location of the application. However, no comments or objections had been received from the Public Protection Department and no evidence had been presented to support the concerns. While accepting and noting the concerns expressed by residents, the Sub-Committee did not consider that there was evidence to indicate that this principle was being undermined. The sub-committee noted that CCTV operation was a condition of the licence, and the system should be regularly monitored.

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

In the context of **Protecting Children from Harm**, comments on this principle had been received and considered, but no relevant evidence had been presented to support the comments.

It was noted that as with all permitted licences, should any issues arise in relation to the licensing principles, the Act allows any licence to be referred for review by the Licensing Authority.

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 receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at Time Not Specified and concluded at Time Not Specified

CHAIRMAN