

CENTRAL LICENSING SUB COMMITTEE 1/12/25

Attendance:

Councillors: Gwynfor Owen (Chair), Gareth T Jones and Gareth Williams

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

Others invited:

Item 4: ROBERTS'S NEWSAGENTS, 63 HIGH STREET, PORTHMADOG, LL49 9LR

Robert Mariyampillai **Applicant**

Nira Suresh **The applicant's representative**

1. APOLOGIES

Apologies were received from Councillor Nia Jeffreys (Local Member)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

The report by the Head of the Environment Department was presented, providing details of a premises licence application from Roberts's Newsagents (Pikes). The property was described as a newsagent store with the intention of continuing to operate mainly as a shop, but to include a provision for the sale of alcohol to be consumed off the premises.

It was noted that the Licensing Authority's 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 Local Member had submitted observations expressing concerns in relation to the prevention of crime and disorder, prevention of public nuisance and public safety. With the proposal to sell alcohol from 6.00 until 00:00, 7 days a week, this could influence drinking levels, drinking patterns, and alcohol-related harm. The Member had recommended shortening the hours to reduce the likelihood of crime and disorder in the town and in the interests of public safety.

The Licensing Manager highlighted that the applicant, since receiving the Local Member's observations, had proposed shortening the hours for selling alcohol by 1 hour per day at the end of the day, but the Local Member had noted that the proposal did not alleviate concerns, despite appreciating the offer of a compromise.

The officers, in accordance with the Licensing Act 2003, recommended for the Committee to consider the observations and recommendations made to shorten the operational hours and make a decision in line with the requirements of the Licensing Act 2003.

- b)** In considering the application, the following procedure was followed:-
 - Members of the Sub-committee given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant or his representative to ask questions of 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 of the applicant and/or his representative.
 - Every Consultee to be invited to support any written representations.
 - The Council's representative and the applicant and/or his 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 why observations had not been received from the Police and Public Protection Service, it was noted that the Department had undertaken a public consultation for 28 days which allowed plenty of time for anyone to present observations. In this case, no response had been received from the responsible authorities.

In response to a question about the current use of the shop, as a newsagent and one that sells fishing tackle and whether this service would continue, it was confirmed that these elements would continue.

- d)** In elaborating on the application, the applicant's representative noted the following observations:
 - That the shop was a family-run shop
 - They intended to protect and promote the four licensing objectives
 - That no concerns had been highlighted by the responsible authorities
 - That the applicant had experience of running a business
 - An observation and an opinion had been presented, not an objection
 - That they had considered the opening hours of similar shops
 - That 'need' was not a consideration under the Licensing Act 2003
 - Although willing to compromise, there was no agreement

- There would be a significant investment in the shop
- That the Sub-committee needed to consider the application on its own merits

In response to a question regarding how the applicant intended to stop people from convening outside the shop, it was noted that signs would be placed outside the shop asking people to consider neighbours and to move on. The shop manager would also step in and ask customers to move on.

Taking advantage of the right to conclude her case, the Licensing Manager noted that the application was to be considered as presented and that no objections had been received from members of the public or responsible advisers. Although a compromise had been offered, there was no agreement

Taking advantage of the opportunity to conclude their case, the applicant's representative noted that this was an opportunity for the shop to remain open and that they would promote the licensing objectives.

i) The Legal Officer took the opportunity to summarise the requirements of the application;

- Application for a licence to sell alcohol from 6:00 – 00:00

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 06:00 – 00:00
Monday 06:00 – 00:00
Tuesday 06:00 – 00:00
Wednesday 06:00 – 00:00
Thursday 06:00 – 00:00
Friday 06:00 – 00:00
Saturday 06:00 – 00:00

Licensable Activities: The sale of alcohol: On and off the premises

Sunday 06:00 – 23:00
Monday 06:00 – 23:00

Tuesday 06:00 – 23:00
Wednesday 06:00 – 23:00
Thursday 06:00 – 23:00
Friday 06:00 – 23:00
Saturday 06:00 – 23:00

Additional measures,

- All staff selling alcohol or supplying alcohol to customers will receive training under the licence within six weeks of being employed, which will be documented.
- A CCTV camera in the form of a recordable system will be provided, and the images retained for 31 days. The recordings will be made available to any responsible authorities.
- The licence holder to ensure that appropriate fire safety provisions are in place, and clearly marked escape routes that will be kept free of obstructions.
- The store manager to ensure that customers move away from the premises and do not loiter in the area.
- The premises will implement a 'Challenge 25' policy.
- ID cards with holographic markings, passport or PASS cards will be accepted, and till prompts will be used for age-restricted products.

Together with the full list of the measures in Part M of the application that are proposed by the applicant to promote the Licensing Objectives

- A record of every alcohol sale refused
- Install and maintain a comprehensive CCTV system with recordings to be stored for at least 31 days with a time and date stamp
- Staff training;
- Internal accident book
- Challenge 25 Policy;
- No loud music
- Ask customers to leave quietly and respectfully;
- Conduct a noise impact assessment before opening the premises to the public. The outcome to be shared with the Public Protection Department;
- The disposal of waste bottles or cans into containers outside the building is prohibited between 22:00 - 08:00, in accordance with the licence conditions. Empty bottles to be stored in a skip / a bin with a lid within the curtilage of the site before collection.

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**, observations had been received from the Local Member highlighting concerns about the availability of alcohol during extended opening hours that would significantly influence drinking levels, drinking patterns, and alcohol-related harm.

After the observations had been submitted, the applicant informed the Sub-committee that he had considered a potential reduction in the hours of selling alcohol which would, in principle, alleviate some of the concerns raised, however he asked the Sub-committee to consider the application as originally presented.

The licensable hours considered by the Sub-committee were between 6am and 11pm.

Despite noting the concerns expressed by the Local Member, the Sub-committee accepted that not much evidence had been submitted in the context of an increase in levels of use and associated problems relevant to this specific location, given that other premises in the surrounding area had an alcohol licence for similar hours. Nevertheless, the Sub-committee considered the permitted hours for similar shops nearby and as a result it was proposed and decided to revise the hours to 06:00 until 23:00.

In the context of **Protecting Children from Harm**, the applicant had provided details regarding the steps to be taken to ensure that alcohol would not be sold to minors, and these steps would be included as conditions on the licence.

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 11.00 am and concluded at 11.55 am

CHAIRMAN