

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	20 MARCH 2017
TITLE:	APPLICATION FOR A PREMISES LICENCE – CAFFI PORTH DINLLAEN, LÔN GOLFF, MORFA NEFYN LL53 6BE
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY

APPLICATION RECEIVED

An application is appended for a premises licence for Caffi Porthdinllaen, Lôn Golff, Morfa Nefyn from Mr James Christopher Munday. The application is made in relation to the supply of alcohol, and playing recorded music 7 days a week. It is proposed to supply alcohol on and off the premises from midday until 11pm, every day. A provision will be offered to deliver food orders off the premises and also customers will be able to order alcohol with their food order. The premises is currently used as a café that is open until late in the afternoon, with an outside area for customers. The premises does not currently hold a premises licence.

Officers from the Licensing Authority are satisfied that there is sufficient evidence that the application has been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations and is therefore valid. Since representations relevant to the licensing objectives have been made on the application, it is submitted for the consideration of this Sub-committee.

See the attached table for details of the proposed hours.

LICENSABLE ACTIVITIES	PROPOSED LICENCE
Supply of alcohol - On and off the premises	Dydd Llun/Monday 12:00-23:00 Dydd Mawrth/Tuesday 12:00-23:00 Dydd Mercher/Wednesday 12:00-23:00 Dydd Iau/Thursday 12:00-23:00 Dydd Gwener/Friday 12:00-23:00 Dydd Sadwrn/Saturday 12:00-23:00 Dydd Sul/Sunday 12:00-23:00
Recorded music - indoors	Dydd Llun/Monday 08:00-21:00 Dydd Mawrth/Tuesday 08:00-21:00 Dydd Mercher/Wednesday 08:00-21:00 Dydd Iau/Thursday 08:00-21:00 Dydd Gwener/Friday 08:00-21:00 Dydd Sadwrn/Saturday 08:00-21:00 Dydd Sul/Sunday 08:00-21:00
Opening and closing hours for the Public	Dydd Llun/Monday 08:00-23:30 Dydd Mawrth/Tuesday 08:00-23:30 Dydd Mercher/Wednesday 08:00-23:30 Dydd Iau/Thursday 08:00-23:30 Dydd Gwener/Friday 08:00-23:30 Dydd Sadwrn/Saturday 08:00-23:30 Dydd Sul/Sunday 08:00-23:30

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Measures recommended by the applicant to promote the licensing objectives

- Staff training
- It is proposed to implement the Challenge 25 policy when selling alcohol on the premises and when delivering orders to the customer.
- Staff responsible for delivering food and drink off the premises will receive relevant training.
- Compliance with health and safety legislation.
- Closed Circuit Television and lighting
- Bad behaviour will not be tolerated.
- It is proposed to become a member of Pubwatch
- Keep a register of refused alcohol sales.
- It is proposed to comply with Environmental Health legislation in relation to public nuisance

Full details of the recommended measures can be found in section **M** of the application.

CONSULTATION

A consultation was undertaken regarding the application and the following responses were received -

RESPONSES	REPRESENTATIONS
North Wales Police	E-mail – no observations
Local Member	E-mail – objection
Nefyn Town Council	Letter - objection
Neighbouring residents	17 letters and e-mails - objections

20 letters and e-mails were received - 19 objecting to the application in relation to the four licensing objectives, namely -

- Prevention of crime and disorder
- Public Safety
- Protection of Children from Harm
- Public nuisance prevention

Objections - Local Member and Nefyn Town Council

The following points were raised when elaborating on the correspondence received -

1. The proposed opening hours are later than the seasonal hours from April to October that have been approved in the Planning Permission
2. There is insufficient parking space on the premises and the access road is narrow and is used by the Lifeboat, residents and tourists

3. The structure of the building is not suitable for the proposed licensed activity - it is a single-shell timber shed structure and there are concerns that noise from the amplified music coming from the building will filter out and affect nearby residents
4. Insufficient lighting for this purpose
5. It was noted that anti-social behaviour had occurred in the area outside the building in the past
6. Concerns were noted about the impact of late night lighting and waste
7. That there is sufficient provision of licensed activities in the area

Objections - Local residents

The following points were raised in the correspondence received -

1. It was noted that the times of the licensed activity hours were beyond what had been approved by the Planning service; it had never been intended for the building to be used as nothing more than a café selling ice cream, tea and coffee during the day.
2. The property is in a quiet residential area and noise from music, people drinking outside, additional vehicles and noise from emptying bottles late at night will cause substantial disturbance to residents.
3. The building is not suitable for recorded amplified music, seven days a week
4. Concerns were noted that the applicant, if successful with the application, will take advantage of the exemptions of the Live Music Act 2012 and hold live entertainment on the premises.
5. Many residents noted that they had suffered from the noise of customers attending parties on the premises already (where they brought their own alcohol) and that they sat on the tables outside and created noise.
6. Many residents noted that the applicant had told them that he intended to play music outside the premises on speakers and that he intended to have live entertainment in the form of an acoustic guitar outside during the summer.
7. Concerns were expressed by many responders that the parking provision is completely insufficient and that people will park on the side of the narrow access road, thus preventing access to residents, the RNLI and tourists. It was noted that the RNLI had been prevented on one occasion last year due to parking problems on the road.
8. The access road is used by a large number of pedestrians, and that it would be hazardous if there would be an increase in traffic
9. A number of responders noted that selling and consuming alcohol outside the premises was contrary to the principle of seeking to encourage children and families to use the children's play provision that is currently outside the premises.
10. It was noted that there were no toilets within the premises - which raised a question regarding the suitability of the facilities; and an increase in the noise of people entering and exiting the toilets at night.
11. One objector noted that the original permission for the café had been earmarked for an individual; with a condition that the building is demolished and restored for agricultural use when the individual leaves the building.
12. Many responders noted that they were unhappy that the application had not been advertised on the fence outside the building rather than within the window of the building only.

See the appendix of the report for full details regarding the objections received.

RECOMMENDATION

The Committee is requested to consider the application in accordance with the requirements of the Licensing Act 2003.