

## CENTRAL LICENSING SUB-COMMITTEE 2.08.17

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**Present:** **Councillors:** Peter Read (Chair), John Brynmor Hughes and Gareth Williams

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Cheryl Morgan (Observing) and Lowri H Evans (Member Support Officer).

### 1. APOLOGIES

None to note.

### 2. DECLARATION OF PERSONAL INTEREST

None to note.

### 3. URGENT ITEMS

None to note.

### 4. APPLICATION FOR PREMISES LICENCE - LA CABANA, 2 MITRE TERRACE, PWLLHELI

The panel and the officers were introduced to everyone who was present and it was announced that everyone had up to 10 minutes each to share their observations on the application.

**On behalf of the premises:** Mr Ayoub Dohech (applicant) and Ms Nia Jones

**Others invited:** Ian Williams (North Wales Police), Heather Jones (Fire Service) and Kevin Jones (the owner of a nearby business).

#### a) The report and recommendation of the Licensing Section.

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for La Cabana, 2 Mitre Terrace, Pwllheli in relation to providing hot and cold food on and off site.

Attention was drawn to the proposed hours in the report. It was noted that the Licensing Authority had sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period.

It was noted that one letter had been received objecting to the application based on the licensing objective of preventing crime and disorder. Attention was drawn to the observations submitted by North Wales Police. It was noted that discussions had been held with the applicant and an agreement had been made to change the application to reduce the hours of late night refreshments and opening hours to 02:00 on Friday and Saturday nights. It was also noted that the applicant had agreed to specific conditions in relation to CCTV.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
  - The applicant was invited to expand on the application.
  - Consultees were given an opportunity to submit their observations.
  - The licensee, or his representative, was invited to respond to the observations.
  - Members of the Sub-committee were given an opportunity to ask questions of the licensee.
  - Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- Extensive discussions had been held with the Police and the Fire Service to discuss and anticipate solutions to concerns
  - Saw the property as an opportunity to make business
  - A nearby nightclub was open until 2:30 - did not want to serve food beyond this time therefore it was agreed to close the property at 2:00 in order to ensure that people did not congregate in one place
  - Lived on the High Street and therefore would not want to see any damage to nearby buildings
  - There was an intention to clear up any mess
- ch) In response to a question regarding how they were going to ensure that they closed on time, it was noted that the applicant had a SIA licence (Security Industry Authority). It was reiterated that it would be possible to employ another member on the door if needed - it was a matter of assessing the situation as the business would develop.
- d) An Officer from the Police confirmed that North Wales Police had discussed the application with the applicant before the application was submitted and an agreement had now been reached to close at 2:00 on Friday and Saturday, which was consistent with the opening hours of similar premises. It was also highlighted that the applicant:
- Was prepared to accept comments and for CCTV conditions to be included on the licence.
  - In the context of door supervisors, due to the size of the property, one would be sufficient.
  - Litter agreements had been agreed
  - The applicant refused to let noise and disorder have an impact on nearby residents and businesses.
  - There had been good collaboration with the applicant and the police and therefore, the Police had no objection to the application.
- dd) The consultees present at the meeting took advantage of the opportunity to elaborate on their objections to approving the licence and they reiterated the observations that had been submitted by letter.
- There had been historical problems with the premises
  - It was anticipated that problems with damage and creating a mess in the street would start again
  - He did not want to restore and pay for new window glazing regularly - concerned about the impact on his business
  - People would congregate outside the restaurant, creating noise and disorder
- e) In summarising his application, the applicant noted that it was not his intention to create problems, mess and damage.

- f) In considering the application, the Sub-committee considered the Licensing Officer's report, the application form, the written observations that had come to hand from the interested parties, and the verbal observations presented by all parties present at the hearing. The Sub-committee was also requested to consider the Council's Licensing Policy, the guidance of the Home Office and the principles of the Licensing Act 2003.

**Crime and Disorder**

- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

**RESOLVED - to approve the application subject to proposed recommendations agreed upon between the Police and the applicant in terms of CCTV and opening hours**

A licence was issued as follows:

1. Late night refreshment provision to eat on and off site will be permitted Monday to Thursday between 23:00 and 01:00, from Friday to Saturday between 23:00 and 02:00, and on Sunday between 23:00 and 01:00.
2. Late night refreshment provision to eat on and off site will be permitted between 23:00 and 02:00 on Sunday nights before bank holiday Mondays.
3. Opening hours for the public from Monday to Thursday between 11:00 and 01:00, from Friday to Saturday between 11:00 and 02:00, and on Sunday between 11:00 and 01:00.
4. Opening hours for the public on Sundays before bank holiday Mondays between 11:00 and 02:00.
5. The matters included in section M of the application (i.e. the operating schedule) were included as conditions on the licence.
6. The conditions suggested by the Police in terms of CCTV will be added as conditions on the licence.

In considering the concerns of a nearby business owner, the licence would mean an increase in people gathering in the vicinity late at night, which would lead to an increase in litter and a risk of criminal damage to his own business. The Sub-committee accepted that in principle, litter could be relevant to the objective of preventing public nuisance. The Sub-committee also accepted that criminal damage could be relevant to the objective of preventing crime and disorder.

However, no evidence was received that issuing the licence would lead to litter problems or criminal damage. The concerns noted were only theoretical. The Sub-committee also noted that although there were a number of other businesses in the area, they had not submitted observations objecting to the application. It was also noted that the Police did not object to the application. If issuing the licence was likely to lead to a litter problem or criminal damage, the Sub-committee would have expected objections from the Police and others.

It was also noted that other licensed establishments in the area was open late, and no evidence had come to hand that the existence of these licenses had led to crime and disorder problems or public nuisance in the centre of Pwllheli.

Under the circumstances, the Sub-committee was satisfied that the application, subject to proposed conditions agreed upon between the Police and the applicant in terms of CCTV and opening hours, was completely in-keeping with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

**5. APPLICATION FOR PREMISES LICENCE - ZIP WORLD ADVENTURE TERMINAL PENRHYN QUARRY, BETHESDA**

The panel and the officers were introduced to everyone who was present and it was announced that everyone had up to 10 minutes each to share their observations on the application.

**On behalf of the premises:** Mr Andrew Taylor (on behalf of the applicant)

**Others invited:** Ian Williams (North Wales Police), Heather Jones (Fire Service) and Councillor Dafydd Owen (Local Member)

a) **The report and recommendation of the Licensing Section**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Zip World Adventure Terminal, Penrhyn Quarry, Bethesda in relation to the sale of alcohol, indoor live and recorded music, and the provision of late night refreshments to eat on the premises.

Attention was drawn to the proposed hours in the report. It was noted that the Licensing Authority had sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that had been received during the consultation period.

It was noted that one letter was received objecting to the application from the Fire Service as the details of the application did not meet the licensing objective of protecting the public. Attention was also drawn to observations from North Wales Police in relation to specific conditions on the use of CCTV; and observations from Public Protection on noise matters. It was noted that there was no intention of holding major events on the premises and the applicant acknowledged that noise could carry a considerable distance, given the nature of the slate quarry landscape. It was highlighted that every effort would be made to keep doors and windows closed during the periods of putting on entertainment.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to submit their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

c) In expanding on the application, the applicant's representative noted that he was happy with what had been submitted and reiterated the following observations:

- The new building (three floors) met the need for offices, a visitor centre, a shop, toilets and a restaurant
- The extension was necessary in order to respond to the visitor numbers

ch) The Officer from the Fire Service elaborated on their decision to refuse the application as the building's second floor was not safe for the public. She highlighted that only one fire exit had

been planned and this was insufficient for the number of people who would need to leave the floor safely in an emergency. It was explained that further discussions had been held with the applicant and that a meeting would be held in a fortnight with the Building Control Department to confirm that the work did respond to the requirements.

In response, the applicant's representative highlighted that following instructions from the Fire Service (May 2017) that external iron stairs were being installed as a fire exit from the second floor - the intention was for the stairs to be in place by 18 August 2017.

- d) Accepting an invitation from the Chair to submit his observations, the Local Member noted his concerns regarding how the company intended to keep control of the car park and the external areas in the context of people dealing drugs within the hidden areas within the site.
- dd) In response, the applicant's representative noted that CCTV would be a priority for the company and it would regularly monitor and manage the external areas and the main entrance. It was suggested that there would be gates to the main entrance, but the applicant's representative could not confirm this. He reiterated that it was intended to fully comply with the Police's conditions.
- e) Taking advantage of the right to speak, the Officer from North Wales Police noted that he had visited the site, but the building had not been completed at that time. He confirmed that a request had been submitted for the applicant to provide CCTV inside and outside the building / site. He also reiterated that the company supported Challenge 25. The officer suggested that the opening hours for the public should reflect and be consistent with the licensed hours and therefore it was proposed that the licence should highlight the closing time of 01:30am
- f) In summarising his application, the applicant's representative noted that the intention was to respond in full to the planning recommendation and that public safety was very important to the enterprise. He confirmed that he would contact the Fire Service and the Police should there be a need for further guidance.
- ff) In considering the application, all the evidence submitted was considered, giving particular attention to the Council's Licensing Policy, guidance from the Home Office and the principles of the Licensing Act 2003.

- Crime and Disorder
- Public Safety
  - Preventing Public Nuisance
  - Protection of Children from Harm

**RESOLVED - to approve the application subject to additional recommendations:**

The licence was issued as follows:

1. Live indoor music will be permitted from Monday to Saturday and between 06:00 and 00:00, and on Sundays between 06:00 and 22:30.
2. The provision of indoor late night refreshments will be permitted, from Monday to Sunday between 23:00 and 01:00.
3. Supply of alcohol will be permitted to be consumed on the premises, from Monday to Sunday between 10:00 and 01:00.
4. Opening hours for the public from Monday to Sunday, between 06:00 and 01:30.
5. The issues included in section M of the application (i.e. the operating schedule) to be included as conditions on the licence.
6. The conditions suggested by the Police in terms of CCTV will be added to the licence.

In considering the Fire Service's concerns that issuing the licence would endanger public safety,

on grounds that there were not enough fire exists on the second floor of the premises, the Sub-committee, having received observations from a representative of the applicant, who noted that there was an intention to build a second fire exit from the second flood, were satisfied that the application was in keeping with the licensing objectives.

In considering observations from the local member expressing concern about people dealing drugs in the vicinity of the premises, the Sub-committee was satisfied that the proposed CCTV conditions were sufficient to promote any such incidents.

The Solicitor reported that the decision would be confirmed formally in a letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 10.15am and concluded at 12.25pm