
CENTRAL LICENSING SUB-COMMITTEE 20.06.18

Present: **Councillors:** : Councillor Peter Read (Chairman), Steve Collings and Annwen Daniels

Officers: Sïon Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

Apologies were received from Mr Jonathan Webb (objector)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - Y Maes Café, Llandanwg, Harlech

On behalf of the premises: Mr Graham Perch (applicant)

Others invited: Councillor Annwen Hughes (Local Member)
 Mr Arwel Thomas, Mr Edward Thomas, Mrs Jean Thomas, Mr Richard Poole and Mrs Sandra Poole – local consultees

The Licensing Manager highlighted that the Chairman had suggested a site visit as he was not familiar with the area. To facilitate the procedure, an application was made to circulate images of the café (from Google Street Scene) for the benefit of the Sub-committee. The applicant agreed for the images to be circulated but stated that the site had changed quite a lot since the photograph was taken.

The correct translations of observations made by the Local Member, the Community Clerk and one of the objectors were presented. These observations had originally been submitted in Welsh, but the translations of those observations included in the programme had been inaccurate. The applicant was given the opportunity to read the translations.

a) The report and recommendation of the Licensing Department.

The report of the Licensing Manager was submitted which detailed an application for a premises license for supplying alcohol to customers at a premises that already operated as a café, seven days a week in summer and on weekends only in winter. The proposal to offer to sell alcohol for drinking off the premises and to play background radio music during opening hours (inside and out) was highlighted. It was noted that the café was currently open until 5pm, but the intention was to remain open until 10pm on Friday and Saturday nights with alcohol sales until 9:30pm. It was reiterated that the applicant also considered showing sporting events occasionally

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that 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 measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that 24 e-mails / letters had been received objecting to the application based on the four licensing objectives. Attention was drawn to the applicants response to the objectors concerns and to the conditions that would be incorporated into the licence, if the application were granted.

In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present 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.

- b) In response to a question by the Sub-committee and in response to several concerns, the Licensing Manager noted that a condition would be imposed on the licence, if it were approved, for the licence holder to provide enough customer toilets at times when open to the public.
- c) In expanding on the application, the applicant noted that he was happy with what had been presented. He referred to a letter he had submitted in response to concerns that included possible options for providing toilets.

He reiterated the following observations:

- He had no intention of running the café as a pub or as a late night drinking facility
- The application for extending the hours was for Friday and Saturday nights only
- The facility would also open late for community or private functions
- The intention was to play background music only - no consideration had been given to anything other than that
- He had highlighted possible options for a toilet provision. He accepted that it was not possible to run such a business without toilets, but he expressed concern about the officers' recommendations since a precedent had been set with a café in Harlech and a café in Barmouth that operated without toilets.

In response to a question about CCTV, he noted that he had live streaming at the café which was run off you-tube for marketing purposes only. It was not a resource that recorded events / movements. He stated that the resource was no longer available and that he was seeking a different agency to carry out the work. He stated that he had requested that the words 'cctv' be removed from the application.

- ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations submitted by letter.
- That the sea's current by Llandanwg beach was strong and dangerous for bathers. Despite the signs, visitors were not aware of the dangers. Public safety was paramount.
 - Concern that the applicant did not live at the property. Suggestion that this would lead to a situation that lacked control. A manager would have to be at the property

- Selling alcohol at the café would change the character of the place. The café, as it was, was run well; it was busy and popular with families
- Llandanwg Beach was a unique area of peace and tranquility
- The location was not suitable for selling alcohol. Clear dangers arose with the introduction of alcohol
- Approving the licence would lead to an increase in mess and rubbish
- Approving would be an admittance of businesses taking precedence over local residents
- If any dispute were to arise as a result of the late nights, who would contact the Police?
- It was not possible to anticipate the change. The site could be spoilt and it would be difficult to recreate what existed
- If the licence were to be granted, this would disregard the tranquillity of the area, child and pet safety, the ancient history of Llandanwg.
- Neighbours of the café saw the application as a step too far that would have an effect on their privacy
- Alcohol could be drunk for a long time before food was consumed - this made it akin to a pub
- Lack of storage space. Likely that the alcohol would be kept in wooden sheds to the rear of the building. This was a delicate situation that would encourage theft.
- Lack of toilets a concern. These options for toilet provision were suggestions only - no enforcement. Providing portaloos was not acceptable.
- Off-site alcohol consumption was likely to create a situation where there was an increase in broken bottles and vandalism
- The café's neighbours and residents all objected to the application

d) In summarising his application, the applicant noted that a nearby restaurant had an alcohol licence and that this property, before its change of use into a restaurant, was a licensed shop. He reiterated that the Police had not received complaints and had not made any observations. He stated that a designated manager would be on site supervising the inside and outside of the building. He highlighted that a number of residents supported his application and if the enterprise were to fail, he would be unlikely to renew the licence.

e) In considering the application, the Licensing Officer's report was considered, in addition to the application form, the written comments that came to hand from the interested parties, and the verbal comments presented by all parties present at the hearing. The Sub-committee was also requested to consider the Council's Licensing Policy, Home Office guidance 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 the the inclusion of proposed conditions on the licence:

- **That the licence holder provide sufficient toilet arrangements for the customers, which would be available whilst the premises is open to the public.**
- **That recorded music not be played outside the premises**
- **No alcohol sales for drinking off the premises**

Specific consideration was given to the following comments and concerns:

The café did not have its own toilet facilities. It was accepted that allowing the sale of alcohol for the

proposed extended hours would put pressure on the nearby public toilet facilities. No evidence was submitted that approving the licence would put a strain on the public toilets and, since customers already used them, the situation seemed satisfactory. Nevertheless, if the public provision were to change the situation would be rather different and, therefore, in accordance with the recommendation of the licensing officers, the sub-committee was eager to ensure that a sufficient toilet provision was available.

It was noted that Llandanwg was a quiet area, and that people visited for the tranquillity and the Area of Special Scientific Interest close by. It was noted that the property was very close to dwellings and concern was expressed that noise from customers and the noise from music (being played outside the property) would disturb the peace. No evidence was presented that approving the licence to sell alcohol in itself would cause a noise problem and no evidence was submitted of problems and complaints in the past associated with the premises. Considering that the property was very close to residential property, the sub-committee believed that playing music outside the property was likely to affect the amenities of nearby residents. It was agreed to accept the licensing officers' recommendation that playing recorded music outside the property should not be permitted.

Concern was expressed that a licence to sell alcohol to be consumed off site would encourage people to take drinks onto the beach and dunes and would lead to the creation of mess and a likely increase in anti-social behaviour. These arguments were carefully considered since a lack of evidence of past problems and lack of observations from the Police about crime and disorder prevention. It was resolved, because of the specific nature of the property's location, i.e. its proximity to residential property, a public car park and public beach, that selling alcohol to be consumed off site would be likely to create problems with public safety and rubbish.

Concern was expressed that there would be an increase in traffic. The Sub-committee noted that the property already operated as a café and that there was no evidence to suggest that approving the licence would be likely to cause a substantial increase in the traffic.

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.

The meeting commenced at 10:00am and concluded at 11:50am.