

## CENTRAL LICENSING COMMITTEE, 03.06.19

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**Present:** **Councillors:** Eryl Jones Williams (Chairman items 1-4 only), Angela Russell and Annwen Hughes, Gareth M Jones (observing)

**Item 5** Councillor Peter Read (Chairman), Angela Russell and Annwen Hughes

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

### 1. APOLOGIES

An apology was received from Mr Ian Williams (North Wales Police)

### 2. DECLARATION OF PERSONAL INTEREST

None to note.

### 3. URGENT ITEMS

None to note

### 4. APPLICATION FOR PREMISES LICENCE - BRAICH GOCH RED-ARM, BRAICH GOCH BUNKHOUSE AND INN, CORRIS,

**On behalf of the premises:** Maria P de la Pava Catano (applicant) and H S Rodrigues

**Others invited:** Mark Mortimer (Public Protection Enforcement Officer, Gwynedd Council)  
Cllr Simon Quincey (Vice-chair of Corris Community Council)

#### a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Braich Goch Bunkhouse and Inn. The application was made in respect of staging plays and showing films, playing live / recorded music (on and off the premises), dance performances including other entertainment, the supply of alcohol and the provision of late night refreshment. The intention was to run the premises as an educational and residential centre and as an essential resource for individuals and community organisations.

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 the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that one e-mail had been received objecting to the application due to road safety concerns and noise nuisance and one e-mail was concerned about the hours for live music. It was added that Gwynedd Council's Public Protection Unit had suggested further licence conditions and the applicant had agreed to these.

It was highlighted that Corris Community Council had submitted amended observations on 3.6.19, and it was agreed for these observations to be shared with the applicant. Following the applicant's decision to accept the conditions of the Public Protection Unit, the amended application was substantially different to what had originally been submitted. Consequently, Corris Community Council had withdrawn their objection.

In considering the application, the following procedure was adhered to:-

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

b) In expanding on the application, the applicant noted that she was happy with what had been presented.

c) She added the following observations:

- The enterprise was a community interest company with charitable aims
- The premises will not operate as a bar - the bar would be used for events only, such as raising money and staging performances
- The company works with young adults through dance and film
- She was willing to accept the conditions
- Her intention was to work with the community and therefore she will try to alleviate noise concerns
- The company was self-supporting
- It was not proposed to be open all the time - specific dates for events

In response to a question regarding the provision for children, it was noted that the main aim was to work with young adults (18+) but it would be possible to use another room for children, if necessary.

ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations submitted by letter.

- Following the applicant's decision to accept the change in the closing hours from 2am to 12am, it was noted that the closing hours were acceptable - the objection was withdrawn.
- It was necessary to emphasise the concern about noise - the location of the premises in the valley and the tendency for noise to accumulate
- A request for the owner to encourage customers to leave the premises quietly at the end of an event.

d) In response to the observations, the Public Protection Enforcement Officer, Gwynedd Council noted that the noise conditions /regulations had been included in the licence. In response to the applicant's comments that the noise conditions included very technical information, it was noted that the applicant would need to keep within the guidance or a notice would be issued. A noise measuring device would be installed in the building and the applicant's responsibility will be to monitor the noise levels and to follow guidance.

- dd) In response to a question regarding access to disabled toilets, the applicant highlighted that a ramp would be installed. She added that the internal layout of the building has to be reconsidered as the access to the toilets was not ideal. The solicitor noted that relocating the toilets would be a planning matter and the building control unit would be likely to consider this if a planning application was submitted in the future.
- e) In reaching its decision, the Sub-committee considered the application form along with written comments submitted by interested parties, the Licensing Officer's report, and verbal comments from the applicant and interested parties at the hearing. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and Disorder prevention
  - ii. Public nuisance prevention
  - iii. Ensuring public safety
  - iv. Protection of children from harm

**RESOLVED to approve the application as amended following discussions between the applicant and the Public Protection Service, Gwynedd Council.**

Specific consideration was given to the e-mails received expressing concerns. It was highlighted that the Community Council objected to the element of the application that requested the sale of alcohol and playing music until 2:00am. Concern was expressed that this would lead to an increase in customers leaving the premises intoxicated and walking along the main road nearby. This would undermine the licensing objective of ensuring public safety. There was also concern that there would be an increase in noise that would disturb nearby residents. This would undermine the licensing objective of preventing public nuisance.

The Sub-committee did not dismiss the possibility that problems involving public safety could arise in relation to intoxicated customers, however, no evidence had been received noting the number, density or the frequency of additional customers who would be attracted to the premises if a licence was approved. It was also highlighted that the Highways Department of Gwynedd Council, the Trunk Roads Agent nor North Wales Police had presented any concerns regarding public safety. The same consideration given was to the concern about public nuisance problems. No evidence was submitted of the number, density or the frequency of such incidents and therefore it would be difficult for the Sub-committee to reach a conclusion that approving the licence would undermine public nuisance.

Although Public Protection had no objection to the application, conditions of noise control and minor amendments to the hours were recommended in the interest of protecting the licensing objective of preventing public nuisance.

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 Braich Goch hearing concluded at 11:340am

(Break for Lunch)

**5. APPLICATION FOR PREMISES LICENCE - GREAT BREAKS LEISURE LTD,  
CEILWART BUNGALOW, NORTH PROMENADE, BARMOUTH,**

**Councillors Annwen Hughes and Angela Russell had visited the site together with the Local Member, Councillor Gethin Glyn Williams and was organised and supervised by Heilyn Williams, Licensing Officer 30.05.19.**

The panel and officers were introduced to everyone present and it was announced that everyone had up to 5 minutes to directly share their observations on the application.

**On behalf of the premises:** Kayleigh Olley (applicant)

**Others invited:** Mr Ian Williams (North Wales Police)

Councillor Gethin Glyn Williams (Local Member)  
Local consultees - Patrick Butcher, Elizabeth Davey, Robert  
Davey, Kathleen Bonser, Howard Hampshire and Amanda  
Owen (Hendre Mynach)

**f) The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Great Breaks Leisure Ltd, Ceilwart Bungalow, North Promenade, Barmouth. The application was made in respect of showing films, playing live / recorded music (on and off the premises), the supply of alcohol, and the provision of late night refreshment. The premises is intended to be run as holiday accommodation for disabled people and their families offering entertainment such as occasionally showing of films and playing live music together with licensed activities indoors and outdoors: (outdoor entertainment until 10pm only and the sale of alcohol for consumption outside until 11pm only).

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 the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that a number of e-mails and letters had been received objecting to the application due to concerns about anti-social behaviour and public nuisance such as noise, loud music and litter. Reference was made to the possible increase in crime and disorder such as vandalism and disorderly behaviour: concerns were noted about public safety, access to emergency services due to the nearby railway and the narrow unlit road. Reference was also made that approving the licence would cause harm to children and young people who would be staying at a nearby campsite. It was added that observations had been received from North Wales Police (regarding door supervision matters) and the Council's Planning Department (regarding planning permission compliance).

It was highlighted that eight e-mails had been received in support of the application, however, these were not considered relevant to the licensing principles.

In considering the application, the following procedure was adhered to:-

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

ff) In expanding on the application, the applicant noted that she was happy with what had been presented.

g) She added the following observations:

- That site visits had taken place to try to respond to the concerns.
- That adaptations had been proposed and agreed
- That the suggestion by the Police to employ door supervisors for special events in consultation with North Wales Police had been accepted as a condition
- That alcohol would not be sold for consumption to the public
- The service was provided for the family and friends of the residents only
- There was suitable access for disabled people
- They offered a wet room for the disabled as there was no other one available on the beach
- The location of the social area was close to the bedrooms and therefore, as a matter of courtesy and respect to the residents, the noise would be controlled.
- In terms of controlling the numbers, the main building sleeps 14 and the bungalow sleeps four.
- It will be necessary to walk through the reception to reach the bar and therefore it will be possible to control access effectively.
- It was the Fire Officer who had stated that the site in terms of safety, could occupy up to 80 persons - it was not proposed to have this number of people at the site at the same time.
- She confirmed that the licence only applied to the public who had a connection with the residents.

ng) The consultees present at the meeting took advantage of the opportunity to elaborate on their objections to approve the licence and they reiterated the observations that had been presented by letter.

Patrick Butcher

- that the railway crossing was dangerous if the gates are open
- that the nearby lane was unsuitable for cars
- questioning the need for external screens
- he had doubts and concerns about access

In response to these observations, the Licensing Officer highlighted that the Fire Service had not submitted any observations.

Elizabeth Davey

- Concern if a full licence was approved that they would receive the same rights as a public house licence
- Concern about how the applicant would control the site and refuse access to the public - if a full licence was approved, the site would be open to anyone. If the

licence is not prominent and within everybody's view, then there were doubts how the situation would be monitored

- There was a huge area in front of the building - it would be easy to hold an event for 80 people - with the total number of residents inviting family and friends, it would be easy to get 80 in number.
- There was a temptation to slacken the rules
- The application was like an application for a public house licence
- There was more to the application than what had been stated
- No confidence in the application
- The area was dark and depressing - this could encourage minor offences.

Kathleen Bonser

- She had no objection to the premises plan
- Concerns were raised when an application for a 'public house' licence was submitted
- Concerns about noise - there was no need to play live music outside - the impact this could have on nearby residents had to be considered
- That opening the premises to public use would lead to more traffic

Howard Hampshire

- No objection to the proposal, but opening the premises to the public raised concerns
- Why the need for a licence?
- He was aware that one designated premises supervisor should be noted for the sale of alcohol - the designated person for the premises lived away from the premises and therefore who would be the responsible person?
- Likelihood there would be an increase in traffic, especially using the third access/exit
- Will the applicant keep to her word that it will be for residents' use only?

A letter received from Ystrad Mynach was acknowledged.

Councillor Gethin Williams (Local Member)

- He thanked the sub-committee for the opportunity to discuss the application openly and to those who had been in contact to object or support the application.
- He welcomed that the applicant had accepted the conditions and had made modifications.
- What was the meaning of "off sale"?
- How can the site be controlled bearing in mind the increase in traffic, more people on the site and possible public access? Was it possible to set conditions?
- A breach of planning conditions would be enforced / controlled by the Planning Authority
- He welcomed that the opening hours of the premises were consistent with those of other businesses in the town.

Mr Ian Williams (North Wales Police)

- As a responsible authority the Police had no evidence to object to the application.
- The police had assessed the application as a facility for disabled persons and extended family and friends.
- It was highlighted that the Police, in the context of the door supervisors had replaced the clause that appeared in part M of the application with a condition that the premises would employ door supervisors for special events in consultation with North Wales Police. It was added that the applicant had accepted the condition.
- That the premises had a good CCTV system.

- In response to an observation about a designated premises supervisor, Mr Williams noted that every licensed premises authorised for the sale of alcohol, required the name of one designated premises supervisor on the licence. It was noted that this person did not have to be present at the premises at all times, but it should be easy to contact them when they were not present.
- In response to a comment regarding controlling access, he noted that it was possible to implement test purchase visits and the Police would respond to complaints if any were presented.
- In response to the question asking what 'off sales' meant he answered that the term meant the sale of alcohol for consumption off the premises.

A suggestion was made to impose a condition for the sale and consumption of alcohol on the premises only.

In summarising her application, the applicant noted

- There would be no speakers outside
- That films would be shown inside only
- That discussions had taken place with the owner of Hendre Mynach regarding access
- That her partner had a personal licence
- It would be possible to control and review the bar use
- That it was mandatory to provide services for the disabled

- h) In reaching its decision, the Sub-committee considered the applicant's application form along with verbal and written comments submitted by interested parties and the Licensing Officer's report. The Council's Licensing Policy and the Home Office guidelines were also considered. All considerations were weighed up against the licensing objectives under the Licensing Act 2003, namely:
- i. Crime and Disorder prevention
  - ii. Public nuisance prevention
  - iii. Ensuring public safety
  - iv. Protection of children from harm

**RESOLVED to approve the application subject to the additional conditions regarding a door supervisor during special events:**

1. **Films indoors Monday to Sunday 10:00 - 00:30**
2. **Live music**  
**Indoors Monday to Sunday 10:00-00:30**  
**Outdoors Monday to Sunday 10:00 - 22:00**
3. **Recorded music**  
**Indoors Monday to Sunday 10:00 - 00:00**  
**Outdoors Monday to Sunday 10:00 - 22:00**
4. **Late night refreshment indoors Monday to Sunday 23:00 - 00:30**
5. **Supply of alcohol to be consumed on the premises**  
**only - restrict alcohol to residents**  
**together with families and friends**  
**residents only Monday to Sunday 10:00 - 00:00**
6. **Opening hours Monday to Sunday 10:00 - 00:30**
7. **The matters listed in the Schedule of Actions will be incorporated as conditions**  
**on the licence, except for the clause in relation to Door Supervisors**

**8. A condition will be added that the premises will employ SIA registered Door Supervisors for special events, in consultation with North Wales Police.**

Specific consideration was given to all the observations. The Sub-committee did not dismiss the possibility that an increase in customers may lead to some offences and anti-social behaviour that would undermine the objective of preventing crime and disorder, as noise and loud music problems can undermine the objective of preventing public nuisance. However, no evidence was submitted that these problems were occurring and there were no details regarding the number, frequency, density, dates and times of the incidents. Consequently, the Sub-committee was not persuaded on the basis of the evidence that came to hand that granting the licence would be likely to undermine the objectives of preventing crime and disorder and preventing public nuisance.

In the same manner there was no evidence, beyond doubt, submitted regarding the public safety concerns with the road and the railway. Since Network Rail, Gwynedd Council's Highways Department nor the Police had submitted observations, this strongly suggested that there would be no serious implications to public safety if the licence was granted.

In responding to the concerns that granting the licence would place children at risk of harm, it was considered that the number of caravan and camping sites that were licensed and therefore it would be difficult to argue that locating a licensed premises close to a campsite would cause harm to children.

The planning concerns were not considered as they were not directly relevant to the licensing objectives. However, the applicant was reminded that she had a responsibility to ensure compliance with the planning system as well as licensing arrangements. It had to be ensured that the use of the premises under the licence was in accordance with the planning permission that was in place.

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 re-commenced at 1.00pm and concluded at 2.30pm