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## CENTRAL LICENSING SUB-COMMITTEE 27-06-22

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**Present:**

**Councillors:** Annwen Hughes (Chair), Angela Russell and Edgar Wyn Owen

**Officers:** Iwan Evans (Head of Legal Services), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

**1. APOLOGIES**

Apologies were received from the applicant Mr Rui Brasil and Councillor Dilwyn Morgan (Local Member)

**2. DECLARATION OF PERSONAL INTEREST**

None to note

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR PREMISES LICENCE - THE OLD WIVES' TALE, 21 TEGID STREET, BALA LL23 7EH**

**Respondents:** Mr Mark Mortimer (Public Protection Enforcement Officer)  
Mr Adrian Angel (North Wales Fire Service)

The Chair welcomed everyone to the meeting. The Chair highlighted that all parties would be allowed up to 5 minutes to make their representations.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for a restaurant with the right to sell alcohol with meals to be served with food on the property only between 12 noon and 11 p.m., seven days a week. The application is also made to play recorded music and to hold live entertainment from 7 in the morning until 11 in the evening, seven days a week.

It was noted that the 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 that had been recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses that had been received during the consultation period. No objection had been received to the application but that the Public Protection Department had recommended noise control conditions. It was confirmed that the applicant was willing to accept those conditions and was ready to add them on the licence. It was recommended that the Committee should approve the application in accordance with the requirements of the Licensing Act 2003.

In considering the application, the following procedure was followed: -

- 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 licence holder or his/her 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

The applicant was not present to expand on his application verbally.

The consultees in attendance took the opportunity to expand on the observations they had submitted by letter.

Mark Mortimer

- Discussions had been held with the applicant - the application had been tidied since presenting it
- The applicant had agreed to accept the noise control conditions on the property and in addition he agreed to reduce the hours of the controlled entertainment
- The applicant had agreed to reduce the live music hours and he would apply for a Temporary Event Notice if he needed any occasional extension

Adrian Angel

- No Public Protection concerns, but a request for the applicant to complete a risk assessment, re-do the floor plan after installing fire alarms and clearing the site - this will not affect the sub-committee's decision

Cllr. Dilwyn Morgan (Local Member) - observations presented via e-mail

- He apologised that he could not be present
- He noted his full support for the licence at Old Wives' Tale.
- There was no problem of noise disturbing the local neighbourhood at all.

The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written comments submitted by interested parties, the Licensing Officer's report, and the oral comments from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered.

All considerations were weighed 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 that were irrelevant to these objectives were disregarded. All parties were thanked for making representations on the application. The Sub-committee gave due consideration to all the representations.

## **RESOLVED**

- **To approve the amended application.**
- **Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**
- **Incorporated as licence conditions the recommended noise control conditions as recommended by Public Protection.**

**The licence was given as follows:**

- 1. Opening hours: Sunday - Saturday: 07:00 – 23:00**
- 2. Live music indoors: Sunday - Saturday: 19:00 – 22:30\*\***
- 3. Recorded music indoors: Sunday - Saturday: 12:00 – 23:00**
- 4. Supply of alcohol to be consumed on and off the premises: Sunday - Saturday 12:00 – 23:00**

**\*\* restricted to any four nights within a calendar month.**

### Reasons

Specific consideration was given to the Public Protection Service observations regarding the provision of live and recorded music on the premises. The applicant agreed to the following amendments to the application:

- A maximum of four nights of live music per calendar month
- Only acoustic music to be played through the building's PA system - specific hours 19:00 to 22:30 for these nights
- No music to be played outside

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved.

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 12:35 and concluded at 13.00.