

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>21 April 2023</b>
<b>TITLE:</b>	<b>APPLICATION FOR PREMISES LICENCE - CARIAD GELATO, PORTHMADOG</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT</b>

## **1. APPLICATION RECEIVED**

- 1.1 An application is appended for a premises licence for an Ice Cream Kiosk for Cariad Gelato Limited, The Kiosk, Porthmadog LL49 9LP by Cariad Gelato Ltd. Unit 23, Penamser Industrial Estate, Porthmadog LL49 9NZ. The premises is a kiosk with some outdoor tables and chairs. Cariad Gelato is a family-run business manufacturing and selling ice cream produced using an authentic Italian method. The applicant is requesting permission for the sale of alcohol side by side with the core business, enabling customers to enjoy an alcoholic drink within a defined outdoor seating area; or to allow customers to buy alcohol for consumption off the premises.
- 1.2 Permission to sell alcohol from 12 in the afternoon until 9 at night every day is requested, and the premises is open for the sale of ice cream between 10 and 21.00 every day.
- 1.3 The officers of 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.
- 1.4 Representations and an objection were received to the application and therefore it has been referred to a hearing of this Sub-committee for a decision.

See the attached table for details of the proposed hours:

### **Oriau agor/Opening hours:**

Dydd Sul/Sunday	10:00 - 21:30
Dydd Llun/Monday	10:00 - 21:30
Dydd Mawrth/Tuesday	10:00 - 21:30
Dydd Mercher/Wednesday	10:00 - 21:30
Dydd Iau/Thursday	10:00 - 21:30
Dydd Gwener/Friday	10:00 - 21:30
Dydd Sadwrn/Saturday	10:00 - 21:30

### **Gweithgareddau Trwyddedadwy / Licensable Activities:**

#### **Cyflenwi Alcohol/Supply of Alcohol: Ar ac oddi ar yr Eiddo : Both on and off the Premises**

Dydd Sul/Sunday	12:00 – 21:00
Dydd Llun/Monday	12:00 - 21:00
Dydd Mawrth/Tuesday	12:00 - 21:00
Dydd Mercher/Wednesday	12:00 - 21:00
Dydd Iau/Thursday	12:00 - 21:00
Dydd Gwener/Friday	12:00 - 21:00
Dydd Sadwrn/Saturday	12:00 - 21:00

## **2. Measures recommended by the applicant to promote the licensing objectives**

The measures recommended by the applicant in the application's operating schedule include the following -

- Standard CCTV system with cameras showing inside and the area directly outside; with images retained for 30 days and provided to the Police or the Licensing Authority at a reasonable request
- The CCTV equipment will record images of an acceptable standard when the premises is open to the public.
- The Kiosk has wooden shutters as an additional security measure
- Alcohol purchased for consumption off the premises must be carried off the premises in closed containers.
- Staff will receive training on the sale of alcohol
- The location of fire safety equipment and any other safety equipment will be in accordance with the requirements of responsible authorities and the contents of any Risk Assessment
- It is proposed to dispose of litter including bottles at reasonable times to reduce the nuisance potential
- Noise from ventilation equipment or any other apparatus will not cause a nuisance to nearby businesses/residents.
- A Challenge 21 Scheme will be implemented, and only recognised ID cards will be accepted
- A first aid box is located at the site

See full details of the recommended measures in the operating schedule submitted separately to the main application (see attachment)

## **3. CONSULTATION**

The application was consulted upon and the following responses were received -

<b>RESPONSES</b>	<b>REPRESENTATIONS</b>
Local member/ Porthmadog Town Council	E-mail - objecting
North Wales Police	Comments following meeting with the applicant

### **3.1 The Local Member/ Town Council's observations**

3.2 An objection was received to the application from the local member on the grounds of the licensing objectives of

- Protection of children from harm
- Public Safety

3.3 Specifically, as the main purpose of the business is to produce and sell ice cream; the business and the premises attract a number of children and families as customers. Concern is expressed that permitting the sale of alcohol will encourage and normalise alcohol drinking at premises unsuitable for the purpose. It was also noted that the premises was very close to the children's play park in the town.

3.4 Furthermore, it is noted that there is an intention to license an area outside the curtilage of the building on the pavement, close to a busy junction on Porthmadog high street. There is concern that this will increase the health and safety risks to the public due to the proximity to a busy junction.

#### **4. A compromise proposed by the applicant following a meeting with the Police and the Licensing Officer on 7 March**

4.1 Following the receipt of an objection by the local member a meeting was held with the applicant to discuss the possibility of offering a compromise to address the concerns of the local member and the Town Council.

4.2 The applicant noted that she completely understood the concerns of the Local Member and the Town Council and as a result agreed to the following compromise -

- Sale of alcohol after 17:30 only, as this was the period when trade for families and children came to an end
- Alcohol to be sold with deserts/ice cream only after 17:30
- No alcohol to be sold for consumption off the premises
- Alcohol to be served limited to consumption on the decking area directly in front of the Kiosk's serving counter only. No alcohol to be consumed at the tables on the pavement

A full copy of the observations submitted by the applicant can be seen in the appendix; and the applicant will elaborate on the contents during the sub-committee's hearing of the application

#### **5 Representations from North Wales Police**

5.1 Following the meeting with the applicant and based on the agreed compromise; an e-mail was received from the Police Licensing Officer confirming that the Police had no evidence to justify an objection to the application. The Police were satisfied that an assurance had been given that the ethos of the business would continue to focus on the production and sale of Italian ice cream to families, rather than the sale of alcohol. It is noted that the Police are satisfied with the compromise proposed; and furthermore, it was noted that the applicant had responded positively to the concerns raised and had shown a willingness to cooperate.

#### **6 RECOMMENDATION**

**In accordance with the requirements of the Licensing Act 2003, and the compromise agreement received from the applicant; it is recommended that the Committee APPROVE THE APPLICATION.**