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## CENTRAL LICENSING SUB-COMMITTEE 10-02-23

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**Present:**

**Councillors:** Anwen Hughes (Chair), Linda Ann Jones and Elfed Williams

**Officers:** Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

**1. APOLOGIES**

Apologies were received from Mr Adrian Roberts (Local Resident)

**2. DECLARATION OF PERSONAL INTEREST**

None to note

**3. URGENT ITEMS**

None to note

**4. APPLICATION FOR A PREMISES LICENCE – Convenience Store, Brook House, High Street, Llanberis, LL55 4SU.**

**Others invited:**

- Mr Thavachsalvam (applicant)
- Mr Ian Rushton (applicant's representative)
- Elizabeth Williams (Licensing Officer, North Wales Police)
- Heather Jones (North Wales Fire and Rescue Service)
- Councillor Kim Jones (Local Member)
- Mr Dei Tomos (Llanberis Community Council Clerk)

The Chair welcomed everyone to the meeting.

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

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for a new business venture in a property that was currently empty. It was explained that the proposal was to improve the building for the purpose of a convenience store, selling a variety of goods including alcohol.

Reference was made to the standard proposed opening times to sell alcohol off the premises from 06:00 in the morning until 23:00 every day of the week; although an intention was noted as a non-standard time to sell alcohol from the shop from 06:00 to 2:00 the following day, every day from 1 April for 6 months of the year until 30 September. Reference was made to correspondence that had been received from the applicant's representative noting the intention to reduce the hours of selling alcohol from 06:00 to 23:00 (until 00:00 between 1 April and 30 September), which would address some of the concerns.

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 relevant regulations. Reference was made to the measures 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 received during the consultation period. It was noted that objections to the application had been received from a member of the public, the Community Council and the Local Member making reference to concerns in relation to the Licensing Objectives of preventing Crime and Disorder, Public Nuisance, Public Safety and Protecting children from harm. It was highlighted that North Wales Police questioned the significant extended hours for selling alcohol for half the year as non-standard hours on the application and the Fire Service noted that it wouldn't be possible to assess compliance with fire provision requirements as there was insufficient information on the ownership of the site.

Despite the offer from the applicant's representative to reduce the non-standard hours, it was recommended that the Committee request full clarity regarding the non-standard hours of the application, the observations of the Police and the requirements of the Licensing Act 2003.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
  - At the Chair's discretion, the applicant or his representative may ask questions to the Council's representative.
  - The applicant and / or his representative were invited to expand on the application and to call witnesses.
  - Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
  - At the Chair's discretion, the Council's representative may ask questions to the applicant or his representative.
  - Every Consultee was given an invitation to support any written observations.
  - The Council's representative and the applicant or his representative were given the opportunity to summarise their case.

In response to a question regarding the number of shops that sell alcohol until midnight in Gwynedd, the Licensing Manager noted that the hours vary across the County. It was highlighted that other shops in Llanberis sell alcohol until 23:00 and/or 00:00. In response to a supplementary question regarding the most common hours for starting to sell alcohol, it was noted that the Act had introduced a system to sell alcohol for 24hrs in some places, but in local communities it was suggested for the hours of sale of alcohol to be in keeping with the needs of the community. It was reiterated that 08:00 was the most common hour, but some opened at 07:00.

In response to a question in relation to evidence of concerns relating to late opening hours, the Police noted that there was no specific evidence to connect the (empty) property with crime and disorder in Llanberis despite the objectors noting that problems did exist.

- c) Elaborating on the application, the applicant's representative noted:
- That this was an opportunity to open a convenience store that would sell alcohol as part of the business

- That an application had been submitted for a long-term lease for the ground floor of the property - the applicant had moved to the area
- That the building was in a bad condition - the building would be renovated
- That the applicant had an experience of working in the field; a responsible person
- That there was a proposal to reduce the hours of alcohol sale to 06:00 - 23:00 without further non-standard hours
- That the applicant wanted to collaborate with the local community and overcome their concerns
- That the applicant agreed with the conditions of the licence
- Quality CCTV would be installed inside and outside the building; training would be offered to staff and the Challenge 25 policy would be implemented
- Once the lease had been agreed it would be possible to provide a fire assessment with the offer to meet the Fire Officer on the site
- That there was an intention to sell alcohol responsibly
- Evidence suggested that no crime and disorder problems were relevant to the property in question.

In response to a question regarding starting to sell alcohol at 06:00, the applicant's representative noted that these were the opening hours of the shop accepting that there was not a high demand for alcohol at this time. He reiterated that it would be possible to start selling alcohol at 07:00 or 08:00 if this would be more favourable. He made reference to the national guidelines that note the right to sell alcohol during the shop opening hours but was willing to consider starting to sell alcohol later if this was the Sub-committee's wish.

In response to a question regarding justifying selling alcohol late at night, the applicant's representative noted that the Act allowed flexibility and that the applicant was now proposing to sell alcohol until 23:00 throughout the year. In response to a supplementary question regarding the non-standard hours, it was confirmed that the applicant was removing the non-standard hours from the application, and the application was now requesting hours for the sale of alcohol from 06:00-23:00, 365 days a year.

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

**Heather Jones (North Wales Fire and Rescue Service)**

- That the property was empty and there was no historic information on the safety of the building
- That the Fire Service was not in a position to ensure that the public would be safe in the building
- The shop would only be a part of the building. The building was a multi-use building with an Airbnb on the second floor. With a lease, the responsible person needed to be established
- It was suggested that the Sub-committee refuse the application until a site visit had been arranged and the responsibilities of the shop and accommodation had been confirmed

In response to the observations, the applicant's representative noted that the requirements of the Fire Service differed from the licensing requirements. He confirmed that once the lease had been agreed, it would be possible to concentrate on the building by arranging for the Fire Service to visit the property. It was added that the applicant was a responsible person and that he would make sure that he would comply with the requirements of the Fire Service.

### **Cllr Kim Jones (Local Member)**

- Thanked the applicant for re-considering the hours of sale for alcohol
- That the other two shops in the village start selling alcohol at 08:00
- That the property was located near the hotel for the homeless and vulnerable individuals - need to ensure that the shop doesn't have an influence on the situation which as a result would put additional pressure on the local surgery
- Happy with the compromise to start selling alcohol at 08:00 - not reasonable to open at 06:00. Welcoming the closing at 23:00

In response, the applicant's representative noted that the national guidelines allow for flexibility on the licence and although he wished to open at 06:00 to sell newspapers, there was no intention now to sell alcohol at this time. The applicant was a responsible person, willing to adapt the hours of the licence to comply with the opening hours of other local shops.

### **Elizabeth Williams (North Wales Police)**

- The original hours were a cause for concern, but it was evident that the applicant was ready to adapt - this was good news.
- Had looked for evidence of cases of anti-social behaviour with relevance to the property. The property was closed and therefore it would be unfair to consider that anti-social behaviour was relevant to this specific property.

### **Mr Dei Tomos (Llanberis Community Council Clerk)**

- The original hours of 06:00 - 02:00 were totally unreasonable
- Proposed hours of 08:00 - 23:00 to comply with other shops in the village
- The lack of records of misbehaviour maybe highlighted the lack of police officers in the area

In response to a question regarding adapting the building and that it would be unreasonable to ask the applicant to ensure that the accommodation on the second floor was safe, the Licensing Manager noted that there were no guidelines or rules for Airbnb accommodation and that the matter was not relevant to the licensing system. She added that the Fire Service would have enforcement powers in relation to safety issues.

Taking advantage of the right to summarise their case, the representative noted;

- That the applicant was intending to comply with all the requirements
- That they accepted that there was a need to work jointly with the Airbnb tenancy and the Fire Service to ensure the safety of the site
- That the applicant was significantly investing in the property - a new venture that would turn an eyesore in the village into a good business
- That the applicant had experience in the field and a personal licence
- That it was accepted the request that the shop stops the sale of alcohol at 23:00 and were more than happy to adjust the hours of starting to sell alcohol to 07:00 or 08:00
- Happy that the objectors were fairly satisfied with the situation - the applicant wanted to work with the local community.
- There was no evidence that anti-social problems were relevant to the present property - the new property would have CCTV inside and outside the shop
- That it was accepted that if anything went wrong, the arrangement would need to be reviewed

Taking advantage of the right to summarise their case, the Licensing Manager noted that she recommended that the Sub-committee consider the revised hours and the proposal to start selling alcohol later in the morning to comply with other local shops.

- d) All parties were thanked for making representations on the application.

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. The Sub-committee gave appropriate consideration to all the observations and these 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

The Sub-committee disregarded observations that had been submitted, on the basis that they were not relevant to the objectives above.

**RESOLVED: Approve the application in accordance with the requirements of the Licensing Act 2003.**

- 1. Opening hours: Sunday - Saturday: 06:00 – 23:00**
- 2. Supply of alcohol to be consumed off the premises: Sunday - Saturday: 08:00 – 23:00**
- 3. Matters prescribed in the Schedule of Actions (Section M) of the application are incorporated as conditions on the licence.**

**Note:**

**Ensure compliance with the requirements of the Fire Service before opening**

**Reasons**

In the context of **Prevention of crime and disorder** the Sub-committee noted and acknowledged the concerns expressed on anti-social behaviour. However, there was no evidence presented on problems that derive from the property nor to suggest that such problems would arise if the licence would be allowed. It was added that the evidence of the Police was always central when considering this aspect and they had confirmed that they did not have any evidence to object to the application and it would be unfair to consider events of anti-social behaviour as evidence against this property.

In the context of **Public Safety** no evidence was submitted that approving the licence would create such problems. Despite this, the Fire Service's observations were considered carefully, and their concerns were noted. It was explained that the applicant would be required to comply with specific and statutory requirements of the Fire Service before being allowed to open the business. Therefore, this was not a matter for the licensing system, but the Sub-committee would like to emphasise the importance of complying with such requirements.

In the context of **Prevention of public nuisance**, no evidence was presented that was associated with the premises, but the concerns expressed on the early opening hours in

the context of the nature of the nearby area, the opening times of nearby shops and the close proximity of the property to the hostel were considered. It was noted that the applicant was willing to modify the opening time and would accept 08:00 if the Sub-committee considered this appropriate. The Sub-committee was of the opinion that allowing the sale of alcohol from 08:00 onwards was appropriate and reasonable in the circumstances.

In the context of **Protection of children from harm** it was noted that measures listed in the Schedule of Actions addressed this principle.

The Sub-committee was pleased to see the cooperation from everyone in this case and that the applicant had considered the observations presented and that they were willing to compromise. 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 10.00 and concluded at 11.40