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# CENTRAL LICENSING SUB-COMMITTEE 27 October 2023

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**Present:**

**Councillors:** Elfed Williams (Chair), John Brynmor Hughes and Arwyn Herald Roberts

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

**1. APOLOGIES**

Item 4: Hugh Owen, Allan Jones, Laura Jones, Caroline Thomas and Ceinwen Williams

Item 5: Local Member - Councillor Nia Jeffreys

**2. DECLARATION OF PERSONAL INTEREST**

None to note.

**3. URGENT ITEMS**

None to note.

**4. PREMISES LICENCE APPLICATION:**

**Greenwood Family Park, Lôn Llwyn, Y Felinheli, Gwynedd LL56 4QN**

**Others invited:**

- Andrew Baker - Applicant - Greenwood Family Park
- Simon Dale - Greenwood Family Park
  
- Ffion Muscroft (Public Protection Officer)
- Elisabeth Williams (Licensing Officer, North Wales Police)
  
- Nest Griffiths - Local Resident
- Stephen Watson-Jones - Local Resident
- Karen Jones - Local Resident
- Andy Hemmings - Local Resident

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 Greenwood Family Park, Lôn Llwyn, Y Felinheli, Gwynedd, from the applicant, Mr Andrew Baker, General Manager. It was explained that Greenwood Family Park was a popular tourist attraction in Gwynedd and that the site offered a variety of activities as well as glamping accommodation.

An application was made to obtain a licence to sell alcohol (bottled local produce), to serve with meals at their on-site restaurant, as well as selling bottled local produce in the

gift shop. It was reiterated that the glamping accommodation was open to guests 7 days a week from the beginning of April until the end of October.

As well as the sale of alcohol for consumption on and off the premises from 10:00 to 22:00, playing live and recorded music, drama and films, dance performances (indoors and outdoors) also until 22:00, 7 days a week, the application also stated an intention to arrange indoor and outdoor performances and dramas in an outdoor theatre area, regularly throughout the year (mainly during the busiest season but also during the period leading up to Christmas), for glamping guests and members of the community, from February until October. It was noted that an amplifier would be used for such entertainment.

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.

Attention was drawn to the responses received during the consultation period. It was noted that North Wales Police or the Fire Authority did not object to the application, but observations on the application were received from the Public Protection Service based on concerns that there was insufficient information in the application which highlighted that the public nuisance objective would not be undermined. In addition, nine letters and e-mails of objection were received from local residents in relation to the Licensing objectives of Public Safety, Public Nuisance and the Protection of Children from Harm. Their observations / concerns referred to an increase in traffic; that live/recorded music until 22:00 would cause a public nuisance; that children could obtain alcohol on the site; that those who had drunk alcohol on the site would be likely to leave on foot, and walk along a very narrow and dangerous road.

As a result, the Licensing Authority had recommended approving the application subject to the agreed compromise with the applicant.

- 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 to 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 to ask questions to the applicant or his representative.
  - Every Consultee was invited to support any written representations.
  - The Council's representative and the applicant or his representative were given the opportunity to summarise their case.
- c) Elaborating on the application, the applicant noted:
- That the intention was to sell alcohol with food at the restaurant and in the gift shop.
  - That there was a poor choice of local produce at the shop - needed to improve this.
  - They were considering holding weddings in the future - the tourism sector had faced challenges during Covid and were therefore looking for ways to create an additional income to meet maintenance costs. There was a large barn on the site, therefore they wished to consider this as an option for the future.

- That the relationship with neighbours was a priority.
- That there was an intention to serve alcohol with food in the restaurant until 22:00 - this was for glampers only.
- That the park was a family park - did not want any conflict with local residents.

In response to a question from the Solicitor regarding the opening hours, it was confirmed that the park opened from 10:00 until 17:30, but was operational until 18:00 - these were the core hours. There was no intention to open the park until 22:00 - this was an application for indoor events only. He reiterated that it would be possible to open the park until 22:00 without licensable activities under the existing licence, should there be a wish to do so.

In response to a question regarding the capacity of the park should approving the application increase the daily numbers, the applicant noted that approving the application would not have a huge impact on numbers - that the park's capacity was around 2000 a day and during 2023, the numbers, at the busiest times, had only reached 1400.

- ch) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them. Attention was drawn to the observations submitted by the consultees who were not in attendance.

**Ffion Muscroft (Public Protection Officer)**

- That she had originally objected to the application due to concerns about an increase in noise for nearby residents, 7 days a week, and a suggestion that many events would be held, e.g. films, dramas, live music, dance performances, etc., until 22:00.
- E-mails had gone back and forth with the applicant, seeking further information on managing event noise at night.
- Although the company had no intention to hold regular events, 7 days a week until 22:00, the licence would allow this.
- As a result of this concern, the applicant agreed that live and recorded music, outdoor dramas and films would finish at 18:00.
- Was happy with the applicant's willingness to compromise, and therefore she withdrew her objection.

**Elizabeth Williams (Licensing Officer, North Wales Police)**

- No complaints about offences, and therefore no objection to the application.

**Stephen Watson-Jones (local resident)**

- That he and his family earned a living through the tourism industry.
- Initial concern that noise coming from the Park, late at night, would disturb his visitors - this was their main source of income.
- 'Peace, tranquillity and a clear sky' were noted as the main qualities of staying at the barn in his visitor book - he wanted to retain these qualities.
- That an increase in traffic was also a concern.
- Thanked the applicant for adapting the hours.

**Karen Jones (local resident)**

- Welcomed the modified hours.
- Could not understand why adults would wish to drink during the day in a family park.
- That promoting local produce was good news.
- That glamping customers brought their own alcohol with them.
- There was a need to avoid public nuisance - people stirring trouble, knocking on car doors, etc.

**Andy Hemmings (local resident)**

- That closing the park to outdoor activities at 18:00 was a good outcome.
- Genuine concern about noise at night - holding events would lead to an increase in noise.
- If they wanted to hold weddings - this was not the best location. The park was surrounded by narrow, unlit lanes - this increased the risk to drivers and other road users.

**Nest Griffiths (local resident)**

- That she lived close to the park.
- That she had submitted observations in response to the original proposal of the park remaining open until 22:00 - concerns about noise and traffic levels.
- Although she was used to the noise during the day, she did not want noise at night as well.
- Opening until 22:00 would change the feel of the quiet area which surrounded the park and would lead to the creation of public nuisance.
- Narrow, single-track roads led to the park.
- Congratulated the park on its astounding success, but if the hours increased then this would increase the risk in terms of ensuring the safety of the public / local residents.
- Whilst accepting the compromise of closing at 18:00, suggested closing at 17:30 so that everyone had left by 18:00, and the roads would be safe.
- Hoped that alcohol would not cause additional problems.

- d) Taking advantage of the right to conclude their case, the applicant noted
- that the park's hours of operation were 10:00 - 18:00 (closed at 17:30, which gave visitors half an hour to leave)
  - That he was ready to cooperate and engage with the local community
  - That there was an aspiration to develop the park in the future
  - That the licence was being modified to sell alcohol within the opening hours
- dd) Taking advantage of the opportunity to summarise her case, the Licensing Manager noted that she was happy with the applicant's comments and commitment to reduce the opening hours back to 18:00. She reiterated that she hoped that the compromise mitigated the concerns of nearby residents regarding the prevention of public nuisance.
- e) 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 observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations and weighed these 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

Representations submitted which were irrelevant to the above objectives were disregarded.

**RESOLVED:** In accordance with the requirements of the Licensing Act 2003, the application was approved considering the comments made, and in accordance with the compromise on the hours of regulated entertainment permitted that was agreed between the Public Protection Officer and the applicant.

#### **Licensable Activities**

##### **Dramas**

###### **Indoors**

**Sunday - Saturday 10:00 - 22:00**

###### **Outdoors**

**Sunday - Saturday 10:00 – 18:00**

##### **Live Music**

###### **Indoors**

**Sunday - Saturday 10:00 - 22:00**

###### **Outdoors**

**Sunday - Saturday 10:00 - 18:00**

##### **Dance Performances:**

###### **Indoors**

**Sunday - Saturday 10:00 - 22:00**

###### **Outdoors**

**Sunday - Saturday 10:00 – 18:00**

##### **Films:**

###### **Indoors**

**Sunday - Saturday 10:00 - 22:00**

###### **Outdoors**

**Sunday - Saturday 10:00 – 18:00**

##### **Recorded Music**

###### **Indoors**

**Sunday - Saturday 10:00 - 22:00**

###### **Outdoors**

**Sunday - Saturday 10:00 - 18:00**

##### **Supply of Alcohol On and Off the Premises**

**Sunday - Saturday 10:00 - 22:00**

The measures, proposed by the applicant in Section M of the application to be included as conditions.

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application. No evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Public Safety**, the concerns raised regarding the impact on traffic on the narrow roads in the vicinity of the site were noted. The Sub-committee considered the

current use of the site and the numbers already visiting the Park, and they were not of the opinion that there was evidence that approving the application was likely to lead to problems as a result of an increase in the use of the roads. It was reiterated that there was a need to bear in mind that considering the impact of the development on roads and traffic in the nearby area was a matter for the planning system.

In the context of **Preventing Public Nuisance**, the applicant modified the application to address the specific objection of the Public Protection Enforcement Officer to the hours for holding outdoor activities and the likelihood of creating public nuisance. Consequently, these activities would end at 18:00 instead of 22:00. The Officer was satisfied with the modification and the Sub-committee was of the opinion that the modification addressed the concerns expressed by individuals in a reasonable manner.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

The Sub-committee welcomed the fact that the applicant had considered the observations submitted and that they had been willing to compromise. Under the circumstances, the Sub-committee was satisfied that the application as amended was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He 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.

## **5. APPLICATION TO VARY A PREMISES LICENCE:**

Clwb Llyn Bach, Heol yr Wyddfa, Porthmadog LL49 9DF

### **Others invited:**

- Mr John Lewis Roberts (applicant)
- Mared Llwyd (Public Protection Manager - Pollution and Licensing Control)

The Chair welcomed everyone to the meeting.

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

Submitted - the report of the Licensing Manager detailing an application to vary the licence of Clwb Llyn Bach, Heol yr Wyddfa, Porthmadog, to add the sale of alcohol from a small building located outside (to the rear of the main building) for licensable activities when events are held at busy times. It was noted that the Club was mainly for members; which included a bar and patio area / beer garden; with a premises licence instead of a club certificate.

A request was made for permission to play live and recorded music until 01:00 every day as well as dance performances, and any similar activity such as stand-up comedians, indoors and outdoors, 7 days a week, but that regulated entertainment, including music and dance, finishes outdoors at 23:00. Although there is no increase in the hours of

licensable activities compared to the current licence, the applicant requests the right to hold licensable activities outside the premises until 23:00. It was intended to sell alcohol from the hatch in the external bar until 23:30, and close the beer garden at 00:00, asking the customers to move inside the building. The applicant requested permission for a comedian to perform indoors as well as outdoors until 01:00, despite noting in part M of the application that the outdoor area would close at 00:00.

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.

Attention was drawn to the responses received during the consultation period. It was noted that neither North Wales Police nor the Fire Service had an objection to the application and an observation was received from Porthmadog Town Council stating that they had no objection provided that the activities were restricted to inside the building, and not outdoors. An objection to the application was received from the Public Protection Service based on concerns that the licensing objective of prevention of public nuisance is undermined due to the proposal to hold licensable activities outside the premises with regulated entertainment to be approved in the outdoors until 23:00, and the outdoor bar until 23:30.

It was highlighted that applicants were expected to provide detailed information with the application to allow the Licensing Authority to determine whether the measures proposed are sufficient to promote the licensing objectives in the local area. It was reported that no details of the proposed steps intended to take to mitigate the impact of noise on nearby residents during events where entertainment is held, had been submitted by the applicant in this case.

As a result, the Licensing Authority recommended refusing the application.

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 to 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 to ask questions to the applicant or his representative.
- Every Consultee was invited to support any written representations.
- The Council's representative and the applicant or his representative were given the opportunity to summarise their case.

c) Elaborating on the application, the applicant noted:

- That the garden was open in any case until midnight
- That selling alcohol in the garden took some pressure off the indoor bar
- That the indoor area tended to become overfull when other pubs in the town closed
- No intention to have pumps - alcohol to be sold in bottles and cans
- One complaint had been received in four-and-a-half years and that due to the noise of bottles being emptied at 22:15.

In response to a question about the size of the garden, the applicant noted that there was room for approximately 80 people in the garden.

In response to a question regarding the requirements of the application, the Licensing Manager noted that although this application was for the sale of alcohol in the garden, that the licence application asked for a licence to hold entertainment / play music outdoors also.

In response to a supplementary question regarding music and the current system, the applicant noted that music was being played indoors every Saturday, Sunday night and on Bank Holidays and that a Temporary Event Notice application would be made for special outdoor events. The applicant reiterated that the garden is located further from the houses and was open at weekends only.

In response to a question from the Solicitor about the legal use of the outdoor hut and whether planning permission would be needed for change of use, the applicant noted that it was the Old Legion Site in question with an old cellar on the site being used to sell beer in the past. The Licensing Manager highlighted that the cellar was a part of the premises licence, but that the activity of selling alcohol was different.

- ch) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them.

**Mared Llwyd (Public Protection Team Leader - Licensing and Pollution Control)**

- Highlighted concern that approval would lead to the creation of public nuisance - live or recorded music 7 days a week would cause nuisance to local residents.
  - Having 80 people outdoors would create additional noise.
  - As a result of the sale of alcohol outdoors, this would encourage more to convene outdoors and consequently it would be difficult to manage noise.
  - That the location was within 15m to residential houses.
  - That noise carried and this was obvious from the complaint received in August 2023.
- d) Taking advantage of the right to conclude their case, the applicant noted:
- That a complaint about emptying bottles was in question, and not a complaint of noise from the garden.
  - That beer had been sold on the site in the past.
  - Accepted not being allowed to sell alcohol from the garden, but not having outdoor entertainment could impact the business.
- dd) Taking advantage of the right to summarise their case, the Licensing Manager noted:
- That the area was sensitive to noise - a number of nearby houses within 15m.
  - Continued to object to the application - the applicant had not submitted noise precautions or a noise mitigation action plan.
- e) 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 observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave



due consideration to all the representations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- v. Prevention of crime and disorder
- vi. Prevention of public nuisance
- vii. Ensuring public safety
- viii. Protection of children from harm

The observations that were received which were irrelevant to the above objectives were disregarded.

**In accordance with the Licensing Act 2003, and having considered the observations received, the application was REFUSED for the following reasons -**

- **No measures had been recommended in part M which convinced the Licensing Authority nor the Public Protection Service that it was possible to put measures in place to manage noise impact in this location that was surrounded by residential properties.**
- **That a complaint had been received about the noise of music and customers on the licensed premises recently.**
- **Although the Public Protection Officer had informed the applicant of the intention to object the application based on the licensing objective of preventing public nuisance, no response was received from the applicant, or any suggestion of compromise.**
- **It would be more appropriate for the applicant to be introducing temporary event notices in order to try and find out if there was a way to manage the noise from using the beer garden for licensed activities.**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application. No evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Public Safety**, no evidence had been submitted that related to this principle.

In the context of **Preventing Public Nuisance** the Sub-committee was of the opinion that approving the application would undermine this principle. It was considered that the Public Protection Service had objected to the application based on the fact that this principle would be undermined as a result of the proposal of holding licensable activities outside the premises. The location was considered as a very sensitive one in terms of noise as it is surrounded by residential houses and the application sought to hold activities outside the premises until 23:00. Although people already went to the beer garden, the Sub-committee was of the opinion that the sale of alcohol in the garden would attract more out to the garden and would give them a reason to stay there also. The applicant had not submitted information which persuaded the officers or the sub-committee that measures could be put in place to manage the impact of noise on the nearby residential houses. As well as the officers' professional opinion, there was evidence of a noise complaint as a result of an event held under a temporary licence recently.

The Sub-committee was disappointed that the applicant had not contacted the Public Protection Officer when she had informed him of her intention to object to the

application. There had been no suggestion of a compromise in response to the concerns raised and no attempts were made to address the concerns.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He 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 12:30