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## CENTRAL LICENSING SUB-COMMITTEE, 21.11.07

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**Present:** Councillors Gareth Roberts (Chairman); Tomos Evans and Dewi Llewelyn

**Also present:** Gareth W.Jones (Senior Legal and Administrative Manager), Amlyn ab Iorwerth (Licensing Manager), Timothy Hughes (Public Protection Manager - Environment) and Barbara Owen (Committee Officer).

**Others invited to the Meeting:**

**Representing the Police:** Mr Ian Williams, The Police Licensing Co-ordinator; P.C.Gavin Hughes, Community Officer, Criccieth.

**Licensee of the Prince of Wales Public House, Criccieth:** Mr Eryl Roberts

### **1. APPLICATION FOR LICENCE REVIEW – THE PRINCE OF WALES PUBLIC HOUSE, CRICCIETH**

Submitted – the report of the Licensing Manager on the application of Tim Hughes, Gwynedd Council's Public Protection Manager (Environment), to review a personal licence of the Prince of Wales Public House, Criccieth, noting that this was the first application of its kind. The application was made as a result of numerous complaints from neighbouring residents, and following further enquiries, the Public Protection Manager was of the opinion that the manager of the public house was not qualified to control the behaviour of customers and, as a result, that the site did not adhere to the objectives of the Licensing Act in respect of the prevention of public nuisance and the protection of children from harm.

The Licensing Manager reported that a response had been received from the Police fully supporting the application and recommending conditions, along with letters from five local residents supporting the application to vary the licence, owing to the public nuisance and loud music.

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

- i. The Public Protection Manager was given an opportunity to elaborate on his application;
- ii. Members of the sub-committee were given an opportunity to ask questions of the Manager;
- iii. The Police were given an opportunity to support their written observations, and members of the sub-committee were given an opportunity to ask questions;
- iv. Each Consultee was invited to support any written observations;
- v. The licence holder was given an opportunity to respond to the observations;
- vi. The Public Protection Manager and the licence holder were given an opportunity to summarise their case;

Everyone was reminded of the four principles of the Licensing Act 2003 that needed to be

considered, namely:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The protection of children from harm

The Public Protection Manager reported that the situation regarding litter around the door of the public house had improved significantly recently. On the other hand, although the noise level from the music played in the public house had been lowered for a period after discussions with Council officers in February this year, shortly afterwards, the level increased to as high as ever and significantly worsened over the summer months. Another concern for the officers was that many customers from the public house convened outside the doors to smoke, forcing pedestrians to go out onto the highway to go past. Children in neighbouring houses could not sleep because of the high level of noise from the public house until the early hours of the morning, and as a result of these concerns, along with many other points, the decision was made to apply to review the licence of the Prince of Wales public house.

A copy of a letter which was received from the solicitor of the licence holder was distributed to the members. It noted that it was not the responsibility of the licensee to control drinkers outside the public house, especially bearing in mind that two adjacent shops sold alcohol, and also noting that it was not intended to hold discos in the public house from now on as this was not viable.

Observations made in a letter were supported by the Police Licensing Co-ordinator noting that, at a meeting in July of this year, the licensee agreed to many recommendations to improve the situation, but that he had not adhered to these unofficial conditions despite many meetings with police officers following regular complaints from local residents. The police wished to set these recommendations as formal conditions on the licence, along with reducing the operational hours of the site.

These observations were reinforced by the local constable, who reported on many occasions when the police had been called to the site by members of the public, following cases of public nuisance. He added that the police did not consider that the person who managed the public house in the absence of the licensee, could influence the customers adequately in order to adhere to the conditions of the licence.

The consultees who were present were given an opportunity to present observations to support the reasons noted in letters, and evidence was given by the following:

Mr Owen, Dawn View, 8 Wellington Terrace, Criccieth

Mrs P.A.Owen, Newydd, Stryd Fawr, Criccieth

who expressed concerns on the following grounds:

- Unacceptable noise from customers leaving the site until the early hours of the morning
- High level of music prevented people from sleeping
- Litter and antisocial behaviour outside the site

In response to the observations, the licensee reported:

- that he did not have control over the customers of other shops and public houses who convene outside the Prince of Wales
- that he did not intend to hold discos in the public house from now on
- that he had moved a bench which was close by to deter people from loitering
- that the police often parked opposite the public house but had not intervened with the customers who drank on the pavement.

In summary, the Public Protection Manager noted that the Prince of Wales public house was unique as there was no appropriate place on its land to allow customers to smoke outside. The Municipal Department did not clean on Sunday mornings in winter, therefore the responsibility lay on the licensee to do the work. It was recommended that a noise control device should be installed in the public house in order to improve the situation in relation to loud music.

The application was discussed in light of all the observations submitted, and with due regard to the principles of the Licensing Act.

**RESOLVED** after careful consideration of the application to vary the Property Licence of the Prince of Wales Public House, Criccieth, in terms of the four principles of the Licensing Act 2003, namely:

- 1. The Prevention of Crime and Disorder;**
- 2. Public Safety;**
- 3. The Prevention of Public Nuisance; and**
- 4. The Protection of Children from Harm:**
  - a) to vary the current licence (under paragraphs e,f,g,h,i and j) to allow live or recorded music; dance performance; anything similar to the above; the making of music; dance – all during the hours of 10.00 – 00.00;**
  - b) that customers will not be permitted to take alcoholic drinks or soft drinks which have been opened, out of the building;**
  - c) to install a noise control device in the building by agreement with the Environmental Health Officers;**
  - d) to employ ADD licensed supervisors to be on duty when entertainment is provided in the property.**

The licensee was reminded of the condition that all the customers must have left the property by 01.00. Everyone was informed of the right to appeal against the decision of the Sub-committee, and also of the right to apply to review the licence further, should there be evidence of failing to adhere to the conditions.

The meeting commenced at 10.30am and concluded at 11.40am.