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## CENTRAL LICENSING SUB-COMMITTEE, 11.04.08

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**Present:** Councillor W.Gareth Roberts (Chair);  
Councillors E.M. Jones and Ieuan Roberts

**Also present:** Sion Huws (Propriety Officer); Amlyn ab Iorwerth (Licensing Manager); Heilyn Williams (Licensing Officer); L Alun Evans (Environmental Health Officer) and Barbara Owen (Committee Officer).

**Others invited to the meeting:**

**Police Representation:** Mr Ian Williams (Police Licensing Coordinator); Constable Mike Humphreys

**Applicants:** Mr D Maguire and Mr P Houghton (Licence Holders of The Lion Hotel, Barmouth); Mr John Moriarty (solicitor acting on behalf of the owners of The Lion Hotel, Barmouth)

**Objectors:** Mr Glenn Fisher; Mrs Polly Peters; Mr P. Newitt; Mr T. Lang; Mr Martin Jones

**Deferred** – the meeting had to be deferred by agreement until 12.30pm due to officers and objectors failing to arrive by the appointed time.

### **1. APPLICATION FOR REVIEW OF PREMISES LICENCE – THE LION HOTEL, BARMOUTH**

Submitted – a report by the Licensing Manager on an application from the Gwynedd Council Environmental Health Officer to review the Premises Licence for The Lion Hotel, Barmouth on the grounds of Prevention of Public Nuisance.

Also submitted – a report by the Environmental Health Section detailing the complaints that had been received, and the results of sound monitoring tests that had been carried out in connection with those complaints. In support of his observations, the Environmental Health Officer reported that the application had been made due to a number of complaints that had been received from local residents relating to the level of noise produced frequently at the hotel, and the failure on behalf of management there to respond appropriately to those complaints. He explained that, owing to the sheer number of complaints, a test had been carried out in a neighbouring residence to measure the noise and it had revealed that the level was higher than permitted by Environmental Health Section guidelines and that this was therefore a breach of a condition contained in The Lion Hotel's licence. The Officer recommended removing from the Premises Licence the right to hold the following activities – live music, recorded music and any means of making music – and also removing the televisions currently located outside the building.

When considering the application the following procedure was followed:

- i. members of the sub-committee were given the opportunity to ask questions to the Council's representative;
- ii. the applicant was given the opportunity to ask questions to the Council's representative;
- iii. the Police were invited to support their written observations and the applicant and members of the sub-committee were given the opportunity to ask questions;
- iv. the consultees were invited to support their observations
- v. the applicant was given the opportunity to elaborate on his application and to call upon any witnesses;

- vi. members of the sub-committee were invited to ask questions to the applicant;
- vii. the Council's representative was given the opportunity to ask questions to the applicant;  
and
- viii. the Council's representative and the applicant were given the opportunity to sum-up the case.

The Police provided evidence to support observations that had been submitted by letter. Eight incidents had been reported that had required Police attendance at The Lion Hotel due to fighting, disturbance, disorder and cases of excessive noise coming from the site, three of which from the inside of the building and five from the outside. It was added that a number of local residents had made verbal complaints to the Police, and that further cases of crime and disorder had been recorded since the publication of the agenda.

On behalf of the objectors, it was reported as follows:

- that the current situation had first come about in 2005 when The Lion Hotel had been bought by the present owner and despite complaints from the local residents regarding the noise and disorder, there had been no improvement.
- that customers were frequently involved in fighting as they left a disco held regularly at the hotel.
- that CCTV cameras had been installed around the town on behalf of local residents due to their concerns regarding the behaviour of those who breach the peace.
- on behalf of the owner of an adjacent dwelling which was rented out, that tenants were not willing to remain at the property for very long due to the noise and disorder coming from The Lion Hotel.
- that double glazed windows did not adequately shut out noise from a property opposite the hotel and that the owners were very dismayed that their children could hear swearing from the hotel during entertainment.
- that there had been no response to a request to shut windows between the property and the dwelling next door to the hotel during entertainment and that the level of noise was unacceptable.
- that the noise and disorder had an effect on the personal lives of nearby residents and on businesses.
- that customers gathering around two television sets outside the building added to the problem of noise.

In response to the observations, the solicitor acting on behalf of the licensees of The Lion Hotel reported as follows:

- that they had not received any complaints directly from the local residents
- that all of the noise did not come from The Lion Hotel
- that the noise level assessment carried out on behalf of the owners of The Lion Hotel did not correspond with measurements taken by Environmental Health Officers. (The results of the assessment were submitted in the form of a report at the meeting, however it was too late to give them any detailed consideration.)
- that they did not agree with the complaint on the grounds of 'public nuisance' since the complaints submitted were personal ones
- that they accepted there were grounds for some of the complaints and that they were anxious to try and resolve any problems.

When summing up the case, the Environmental Health Officer reported:

- that there had been problems relating to the site for five years, but that there had been little improvement despite complaints being made to the owners
- that it was evident that the conditions of the licence had not been adhered to in relation to closing the doors and employing bouncers at the doors during entertainment

The applicant, the licence holders of The Lion Hotel and the Licensing Officers left the meeting, and the application was discussed by the Sub-committee bearing in mind the evidence of the Police and local residents and with a view to adhering to the following principles:

- a) The Prevention of Crime and Disorder
- b) The Prevention of Public Nuisance
- c) The Protection of Children from Harm

**RESOLVED that the following conditions be added to the Premises Licence of The Lion Hotel, Barmouth:**

- i) The use of televisions is not permitted outside the premises**
- ii) Music is not permitted outside the premises**
- iii) Live music, recorded music, dance performances and making music (i.e. sections e,f,g and i in the licence) will be permitted during the following hours only:  
Monday to Sunday: 11.00 until 23.00)**
- iv) Noise control equipment shall be installed by the Environmental Health Section wherever entertainment takes place**
- v) An additional door shall be installed between the room where dancing is permitted and the outside**
- vi) The windows of the Pool room shall be kept shut**
- vii) The hatch between the building and the Beer Garden shall be closed at 22.00**
- viii) The tables and chairs used outside shall be put away by 22.00**

The Propriety Officer reported that a letter would be sent to the applicant within five working days confirming the ruling of the Sub-committee and informing everyone of their right of appeal against the ruling of the Sub-committee.

The meeting commenced at 12.30pm and ended at 2.35pm