
CENTRAL LICENSING SUB-COMMITTEE, 15.04.09

Present: Councillors Eryl Jones-Williams (Chairman); Peter Read, W. Gareth Roberts

Also present: Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager), Euron Thomas (Senior Environmental Health Officer for the application of the Red Lion, Porthmadog) and Gwyn Parry Williams (Committee Officer).

Others invited to the meeting:

For the Sandpiper, High Street, Abersoch

Applicant: Mr Gary Horseman, Mr Barry Singleton (Premises Manager)

Objectors: Mr Gwyn Thomas, Mrs Jean Thomas, Mrs Anne Cooke, Mr Michael Cooke, Mrs Mary Oliver, Dr Patricia Meyrick

Representing the Police: Mr Ian Williams (Police Licensing Co-ordinator), PC Andy Vowell

Local Member: Councillor R.H. Wyn Williams

Apology: Einir Wyn (Llanengan Community Council Clerk)

1. APPLICATION TO VARY PREMISES LICENCE FOR THE SANDPIPER, HIGH STREET, ABERSOCH

Submitted - the report of the Licensing Manager, providing details of the application from the owner of the Sandpiper, Abersoch, to vary the premises licence in order to permit the supply of alcohol from 11:00 hours until 01:00 hours daily, with the premises to close at 01:30 daily. The application was consulted upon according to the usual procedure and observations were received from the Police, Planning Service, the local member and nearby residents. Llanengan Community Council objected to the application.

The Police representative expressed concern in relation to the hours and activities requested, as he believed, should the hours be approved, that it would have an unfavourable effect on local residents and would undermine the public nuisance objective. There was historical evidence of disruption in the vicinity of this premises under the previous management, in particular during events when the hours were extended under a Temporary Events Notice. He referred to the fact that a number of the customers who left the premises at 11:00pm, moved on to other public houses that were open later, in particular the public house across the road which was open until 1:00am, rather than going home. Therefore, it could be argued that by allowing the premises to be open later, it would not lead to an increase in the problems already being caused. In relation to the problems caused by people who used the small track that led to the beach, there was no evidence that they were customers of this premises as it was used by the public on a regular basis.

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.

The applicant was invited to ask questions of the Council's representative.

Each Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon his application and then call witnesses.

Members of the Sub-committee were given an opportunity to ask questions of the applicant.

The Council's representative and the applicant were given opportunities to summarise their case.

In supporting the observations submitted in letters, the objectors reported -

- that nearby residents and the village were considerably concerned, because the Sandpiper was located on the High Street, with four other public houses located within 100 yards of it.
- as public houses in nearby towns/villages were closing, many were very concerned that there would be an increase in the troubles such as drinking on the street in Abersoch, and the anti-social aspects that followed.
- that condition 16 on the planning application, dated 30 March 2000, stated that it was not permitted for the restaurant to be open for customers outside the hours of 8:00am - 11:00pm.
- that a bye-law should be obtained in order to prohibit drinking on the street in Abersoch.
- that there were parking problems there as there was no car park connected to the premises.
- that the gardens of some of the nearby houses were used as toilets and that there were instances of damaging the gates of properties in the village after the public houses had closed.
- that approving the application to extend the hours of this premises would worsen the situation in relation to drinking late at night in the village.

When expanding upon his application, the applicant explained that the anti-social behaviour and nuisance referred to was not in respect of his customers. The current situation was difficult and unfair so far as his business was in the question. He was required to close at 11:00pm and then his customers went to other public houses, which were open until 1:00am. He explained that he had introduced a system whereby customers could call a taxi from the premises - this was in order to save them from having to wait outside. He confirmed that the only music played was played on the jukebox, with the volume being controlled from behind the bar. As a result of the concerns expressed, he was willing to extend the hours for the supply of alcohol until 12:30am with the premises to close at 1:00am.

The applicant, the Licensing Manager and members of the public left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving appropriate attention to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

RESOLVED to approve the application to vary the Premises Licence of the Sandpiper, Abersoch, with the following conditions:

- i) **to permit the application to vary the hours for the supply of alcohol between 11:00 hours and 00:00 hours, Monday to Sunday.**

- ii) to permit the application to vary the hours when the premises is open to the public to between 11:00 hours and 00:30 hours, Monday to Sunday.
- iii) that door supervisors, registered with the SIA, are on duty on all Bank Holidays and on Fridays and Saturdays during July and August.
- iv) no loud music to be played, no music to be played on the patio in front of the premises and no speakers to be installed there.
- v) that notices are to be shown, requesting customers to leave the premises quietly.
- vi) children are not permitted in the premises after 19:00 hours and they are not permitted to be in the premises without supervision at any time.

The Propriety Officer reported that a letter would be sent to the applicant within a week, confirming the Sub-committee's decision, and to inform her of the right to appeal against the decision within three weeks of the date of that letter.

2. APPLICATION TO VARY PREMISES LICENCE FOR THE RED LION, 13-15 NEW STREET, PORTHMADOG

Others invited to the meeting

For the Red Lion, 13-15 New Street, Porthmadog

Applicant: Mrs Catherine L. Gilmore, Mrs Carwen Roberts (employee in the premises), Mr Daniel Ocroft (Barrister on behalf of the applicant), Mr Neil Jenkins (Scottish and Newcastle Ltd)

Objectors: Mr Aeron Evans, Mrs Susan Evans

Representing the Police: Mr Ian Williams (Police Licensing Co-ordinator), PC Dewi Jones

Local Member: Councillor Ieuan Roberts

Submitted - the report of the Licensing Manager, providing details of the application made by the owner of the Red Lion, 13-15 New Street, Porthmadog, to vary the premises licence to permit dramas, films, indoor sports, live and recorded music, dance and provision of hot refreshments from 10:00 hours until 00:00 hours, with the premises to close to the public at 00:30 hours.

The Police representative informed the Sub-committee that eight incidents had been reported to them in respect of the above-mentioned premises since 1 January 2008. As the majority of the incidents had occurred before the hours requested in the variation, there was insufficient evidence to object to the application. Nevertheless, the Sub-committee was requested to consider including the following conditions on the licence-

- a) That at least two door supervisors, authorised by the SIA, to be on duty on nights when entertainment was held.
- b) Customers were not permitted to take opened alcoholic or soft drinks from the premises.
- c) No access to the premises after 23:00 hours.

He referred to a letter received from the applicant's solicitor objecting to including a condition in relation to having door supervisors when entertainment was held as it would not be cost effective. In addition, he confirmed that customers could not take opened alcoholic or soft drinks outside through the front access and to the street, however, the rear yard would need to be used for this. He also confirmed that the applicant was satisfied with the condition that entry would not be allowed into the premises after 23:00 hours.

The Fire and Rescue Service had no observations on the application, however, conditions had been suggested.

The Senior Environmental Health Officer drew attention to the fact that a series of complaints had been received in relation to the noise of entertainment coming from the premises that could be clearly heard in nearby premises, and records by the complainant showed that entertainment caused regular problems when it was held in the public house. To this end, he was of the opinion that the most effective way of reducing the effect of entertainment noise on nearby residents, whilst continuing to allow the public house to hold entertainment, was by means of effective control of the entertainment licence. He recommended that this should be achieved by including relevant conditions on the licence, by restricting the hours permitted for live and recorded music until 22:30 hours, Sunday to Thursday, and until 23:00 hours Friday and Saturday.

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.

The applicant was invited to ask questions of the Council's representative.

Each Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon her application and then call witnesses.

Members of the Sub-committee were given an opportunity to ask questions of the applicant.

The Council's representative and the applicant were given opportunities to summarise their case.

In supporting the observations submitted in letters, the objectors reported -

- that the location of the premises was a considerable problem in terms of the activities and hours applied for.
- that the applicant had been acting without a licence for the entertainment and that the premises, because of its location in the middle of houses, was not suitable for such entertainment, as the noise emanating from the public house disrupted the amenities of the residents of surrounding houses.
- that the behaviour of some customers caused concern and worry to nearby residents, in particular as some drank and smoked on the pavement outside the front door.

In expanding upon the case, the applicant's barrister drew attention to the fact that the Police did not object to the application, and neither did the Senior Environmental Health Officer, even after taking the complaints received into account. He asked the Sub-committee to disregard the incidents drawn to the attention of the police as they were not specific to the application submitted. He confirmed that the applicant was willing to accept the conditions suggested by the Senior Environmental Health Officer, but she would like for the hours for live and recorded music to be until 23:00 hours on Thursdays. In addition, the applicant was willing to close the gate at the rear of the premises, as the customers would then have to enter the premises and leave through the front door only.

The applicant, the applicant's barrister, the Licensing Manager and members of the public left the meeting and the application was discussed by Sub-committee members, considering the four principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

In coming to a decision, the Sub-committee considered the fact that the police nor the Senior Environmental Health Officer had no objection to the application, subject to the conditions, and that the applicant had agreed to the conditions. Nevertheless, the observations made by local residents in relation to the noise emanating from the premises were considered, along with its location which made these concerns more relevant.

RESOLVED to approve the application to vary the Premises Licence of the Red Lion, Porthmadog, with the following conditions-

- i) **to permit the showing of dramas, films, indoor sports, live and recorded music and dance and anything of a similar description to live and recorded music or dance, between 10:00 hours and 22:30 hours, Sunday to Wednesday, and between 10:00 hours and 23:00 hours, Thursday to Saturday.**
- ii) **to permit the application to vary the hours for the supply of alcohol between 10:00 hours and 23:00 hours, Monday to Sunday.**
- iii) **to permit the application to vary the hours when the premises is open to the public to between 10:00 hours and 23:30 hours, Monday to Sunday.**
- iv) **that the conditions suggested by the Senior Environmental Health Officer are included on the licence with an additional condition that the noise monitoring machine is to be installed immediately.**
- v) **that the conditions suggested by the Fire Service are to be included on the licence.**
- vi) **that the gate at the rear of the premises is to be locked at all times so that customers cannot use it to enter or leave the premises, and they are only allowed to enter and leave the premises through the front door.**
- vii) **customers are not permitted to stand outside the front door to drink or smoke.**
- viii) **customers are not permitted to take opened alcoholic or soft drinks outside the premises.**

The Propriety Officer reported that a letter would be sent to the applicant within a week, confirming the Sub-committee's decision, and to inform her of the right to appeal against the decision within three weeks of the date of that letter.

The meeting commenced at 10.30am and concluded at 1.10pm