
CENTRAL LICENSING SUB-COMMITTEE, 05.11.10

Present: Councillor Eryl Jones-Williams (Chairman);
Councillors Louise Hughes and Evie Morgan Jones

Also present: Sion Huws (Propriety Officer), Geraint B. Edwards (Solicitor), Amlyn ab Iorwerth (Licensing Manager), Heilyn Williams (Licensing Officer), Alun Evans (Environmental Health Officer) and Gwyn Parry Williams (Committee Officer).

1. APPLICATION FOR PREMISES LICENCE – CROSS FOXES, BRITHDIR, DOLGELLAU

Others invited to the meeting:

Representing Cross Foxes, Brithdir, Dolgellau: Mrs Nicol Gwynne (applicant) and Mrs R. Cohen (representing the applicant)

Representing the objectors: Mr Graeme Dickson

Submitted – the report of the Licensing Manager providing details of the application on behalf of Cross Foxes, Brithdir, Dolgellau for a premises licence to allow plays, films, live and recorded music and dance between 12.00pm and 12.00am; to provide hot food between 23.00 and 02.00 and to supply alcohol between 10.00 and 02.00, with all activities given an additional hour on Bank Holiday weekends (Friday – Monday), St. Valentine’s Day and Christmas Eve, with the premises open to the public for half an hour at the end of the activity.

It was reported that, following the appropriate consultation period, neither the Police nor the North Wales Fire and Rescue Service (subject to conditions) had objections to the application. The Planning Department of the National Park had no observations to offer on the application. The Environmental Health Service had objected to part of the application and a letter had been received from one of the neighbouring residents objecting to the application.

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

- i. The Applicant was invited to expand on the application;
- ii. Members of the Sub-committee were given an opportunity to ask questions of the applicant;
- iii. The licensee, or his representative, was invited to respond to the observations;
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licensee;
- v. The Applicant and licensee, or his representative, were given an opportunity to summarise their case.

In support of the application, the applicant’s representative noted that she had been in contact with the majority of the people who had objected to the application and it had been agreed to add some conditions in order to overcome some of the objectors’ concerns e.g. the

Environmental Health Department had asked for changes in the details in relation to noise, not allowing smoking outside the door which had once been the property's front door and to put up signs asking people to close windows should noise emanate from the property and to take every possible step to prevent noise from the building which would be likely to affect the objector. In relation to the marquee, she noted that, as there was no room in the premises itself to accommodate large parties e.g. wedding receptions, conferences etc. it was intended to hold these activities in the marquee. However, it was not anticipated that the marquee would be used during the winter but it may be required during the summer months to hold between 12 and 14 activities.

In response to a question from a member in relation to public safety, the applicant's representative noted that they would be willing to put up signs advising customers not to wander outside the boundaries of the property. She confirmed that the live entertainment in the marquee would finish at 22.00. She explained that some flexibility was needed to run the business and despite what was asked for in the application in terms of hours, she did not anticipate that the premises would open until 02.00 every day of the week. She agreed to a condition where notice would need to be given to the police of any event in the marquee where entry would be by ticket. She noted that it was expected that the premises would be open to the public on 17 November 2010. Members noted that they assumed that the applicant would ensure that all necessary permissions under other legislations would also be in place by then.

The consultees were invited to support any observations submitted by letter, and the Environmental Health Officer noted that he did not have any objections as such to the application, but that the only objection was the intention to hold entertainment within the marquee outside the premises. It was given to understand that the applicant had agreed to the condition recommended in relation to holding entertainment within the premises, however, if permission was given to hold entertainment in the marquee outside the premises, that would have an unacceptable noise impact on the neighbouring residential properties. He noted that the noise level measured was contrary to levels suggested in several documents providing advice including by the World Health Organisation. The applicants had stated their willingness to install a noise limiter in the marquee. He noted that it would be possible in practice to use such a machine in a building because it would be possible to control the noise quite easily within the building, but the problem in a marquee was that it would be outside and other noises would affect it e.g. vehicles and lorries.

The objector present took advantage of the opportunity to endorse the observations noted in letters by him and his wife and specifically referred to the following points -

- That they lived in the property that was nearest to the premises.
- That the hours requested would affect their amenities and their quality of life.
- That late night noise from entertainment held in the marquee would be unbearable.
- That having a pub open until late would produce the type of noise that any pub would generate and that there was no way to overcome this issue.
- Although he had discussed the matter with the applicants and had heard everything that had been said during the hearing, he confirmed that the objections set out in his letter remained.

The applicant and her representative, the Licensing Manager, the Environmental Health Officer and the objector all withdrew from the meeting and the application was discussed by Sub-committee members. Consideration was given to all evidence submitted, and particular attention was given to the principles of the act, namely:

- Prevention of Crime and Disorder – the police had confirmed that they did not have any evidence to object to the application. No evidence had been submitted by anyone else either regarding the problems under this heading.

- Public Safety – members were concerned considering the location of the premises on a junction especially when people would be in the marquee. The applicant's willingness to take steps to remind customers of the danger and to construct a wall was noted.
- Prevention of Public Nuisance – this was the main consideration when dealing with this application. The sub-committee considered the neighbour's objections and the fact that he lived very close to the premises. The sub-committee was of the opinion that allowing entertainment outside the building (i.e. in the marquee) until 22.00 would be reasonable. However, they wanted all entertainment to finish at that time in fairness to the neighbours who had objected. The conditions offered by the Environmental Health Officer dealt with the situation in terms of controlling noise emanating from the building itself.
- Protection of Children from Harm – there was no evidence of any concerns regarding this objective.

RESOLVED to approve the premises licence for Cross Foxes, Brithdir, Dolgellau as follows -

1. (A) Plays; (B) Films; (C) Indoor Sporting Events; (E) Live Music; (F) Recorded Music; (G) Performances of Dance; (H) Anything of a similar description to that falling within E, F, or G; (I) Provision of facilities for making music; (J) Provision of facilities for dancing; (K) Facilities for entertainment of a similar description to that falling within paragraphs I or J, as follows:

Within the building -

- Sunday to Wednesday 12.00 – 23.30
- Thursday to Saturday 12.00 – 00.00

The Marquee outside the building -

- Sunday to Saturday 12.00 – 22.00

2. Late night refreshment (paragraph L)

Within the building -

- Sunday to Wednesday 23.00 – 00.00
- Thursday to Saturday 23.00 – 02.00

3. Supply of alcohol (paragraph M) (on and off the premises)

Within the building -

- Sunday to Wednesday 10.00 – 00.00
- Thursday to Saturday 10.00 – 02.00

The Marquee outside the building -

- Sunday to Saturday 10.00 – 23.00

4. Hours premises are open to the public (paragraph O)

- Sunday to Wednesday 07.00 – 00.30
- Thursday to Saturday 07.00 – 02.30

Residents to be allowed entry into the premises at all times.

5. Non-standard timings:

For all licensing activities in 1-4 above:

Bank Holiday Weekends (Friday to Monday), St. Valentine's Day and Christmas Eve, one hour extra and 11.00 New Year's Eve until 00.00 New Year's Day, subject to all licensed entertainment in the marquee coming to an end at 22.00.

6. No admission after 23.00 hours (except for residents)

7. To impose the following conditions outlined by the Environmental Health Officer -

- **The internal L_{Aeq} 15 min sound level and the L_{Aeq} 15 min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased inside any residential property (which has been measured with the windows open or closed) as a result of noise emanating from the licensed premises. For the purpose of this condition, L_{Aeq} is as defined in BS4142:1997.**
- **Customers wishing to smoke to be encouraged to do so outside at the rear of the building.**

8. The steps described in paragraph P of the application (as amended by the letter from Rebecca Cohen included in the Sub-committee's agenda) to be included as conditions on the licence.

9. Advance notice to be given to the police of any event to be held in the marquee where entry would be by ticket.

10. Notices to be erected to warn customers to keep within the boundaries of the property.

11. The licence to be effective from 17 November 2010 onwards.

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform her of the right to appeal against the decision within 21 days of the date of that letter.

The meeting commenced at 10.30am and concluded at 12.00pm