
CENTRAL LICENSING SUB-COMMITTEE, 23.08.11

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

Also present: Geraint B. Edwards (Solicitor), Alwyn Thomas (Licensing Enforcement Officer) and Glynda O'Brien (Committee Officer).

Apologies: Amlyn ab Iorwerth (Licensing Manager)

1. DECLARATION OF PERSONAL CONNECTION

No declarations of personal interest were received from any member present.

2. APPLICATION FOR A PREMISES LICENCE – EASY STOP CONVENIENCE STORE, GLASFRYN STORES, BONTDDU, DOLGELLAU

Other invited to the Meeting in connection with the above application:

On behalf of Easy Stop Convenience Store: Mr Ian Clowes (Applicant)

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Two residents on behalf of the objectors

Apology: Councillor Gethin Williams (Local Member)

Before proceeding and dealing with the above application, the Chairman stated that two issues of concern had come to light in relation to the application and in accordance with the procedures it was a requirement to consider these, namely:

- (a) had the applicant sent an appropriate notice of the application for publication in a local newspaper;
- (b) that it was evident that some of the relevant Departments within the Council had not received a copy of the application.

The applicant was given an opportunity to respond to the above concerns and he informed the Sub-Committee that he believed that he had sent an advertisement to the local newspaper namely the Cambrian News. In the context of (b) above, he noted that all the applications had been sent out and he did not understand why the relevant Departments had not received them. In response to a query from the Chairman if he had written evidence to prove this such as a proof of posting receipt, the applicant stated that he did not have the documentation with him for submission to the Sub-Committee.

The applicant and the other parties withdrew from the meeting in order that the Sub-Committee could discuss the appropriate procedure to deal with the application, in light of the fact that the application before them did not conform with statutory guidance.

Following a thorough discussion by the Sub-committee in consultation with the Solicitor, the applicant and the other parties were invited back into the Chamber. The Chairman explained to

the applicant that the responsibility with such applications was on the applicant to ensure that they were in compliance with the appropriate procedures. Because of the lack of compliance with the appropriate procedures the sub-committee had no option but to refuse to deal with the application. It was suggested kindly to the applicant that if he wished to re-submit the application that it would be beneficial to employ a Solicitor to assist him to overcome any problems that may arise and to ensure that there was written evidence to support the application.

Resolved: To refuse to deal with the above application as it did not comply with the appropriate statutory guidance.

The Solicitor reported that he would aim to send out a letter within five working days notifying the applicant of the Sub-committee's resolution.

3. **APPLICATION TO VARY LICENCE – SHIP HOTEL, 14 LOMBARD STREET, PORTHMADOG**

Present on behalf of the Ship Hotel: Mr David Pike, Tenant
Mr Gary Hodgson, Punch Taverns
Ms Leslie Rogers, Punch Taverns

Objector: Mr Michael Hughes

Local Member: Councillor Selwyn Griffiths

Councillor Selwyn Griffiths, the local member, was present and had intended to present his observations, however, in light of the fact that he had not submitted written comments the Applicant's representative objected to him presenting oral observations on the day. The Local Member explained that the officers had not consulted with him regarding the application and he was not aware of the hearing until he had received the Agenda when he came home from holiday.

The Chairman noted the importance for officers to inform Local Members in good time regarding such hearings in order that they could present written observations if required. The Chair gave an undertaking to contact the Heads of the relevant Departments to ensure that a similar incident did not occur again in the future.

Submitted: The Licensing Manager's report, by the Licensing Enforcement Officer regarding an application on behalf of the Ship Hotel, 14 Lombard Street, Porthmadog to vary the premises licence. The request was to extend the hours for live and recorded music, together with the sale of alcohol, between 10:00 – 00:00 with the premises closing at 00:30 every day of the week. The application also requested the removal of conditions that were on the original licence, namely:

- there was a public car park to the rear of the premises
- most of their customers were local people
- no children allowed on the premises

Attention was drawn to the fact that there was a discrepancy in the Sunday opening hours as stated in Part A and B of the licence. Part B of the licence stated 12:00 until 22:30 and the Licensing Enforcement Officer confirmed that the current correct opening hours for recorded music and the sale of alcohol on Sunday was 12:00 until 0:00 (as stated in Part A).

No observations had been received from Trading Standards and one letter of objection had been received from a nearby resident.

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

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

(a) In supporting the application, the applicant's solicitor explained that the intention was to extend the opening hours of the premises as it was more like a restaurant these days than a public house. It was noted that the premises now had a good reputation for providing quality food and was anxious to attract families there to eat. Extending the hours would streamline them and would give flexibility to run the business more effectively and sufficient time for families to eat a meal in a leisurely manner without having to rush. It was emphasised that no alcohol would be sold after 0:00 and that the landlord would have a word with the taxi operators when transporting customers not to sound their horns late at night in order to alleviate the noise problem, if the need arose.

In response to a query from a member of the sub-committee if there was an intention to extend the serving of food to later than 21:00, the applicant's solicitor explained that this would depend on the demand.

(b) The objector, who was present, took advantage of the opportunity to support the observations noted in a letter and he noted specifically that he objected to the extension of the hours at the premises every day of the week as there was a noise problem late at night on Thursday, Friday and Saturday evening (as operated in accordance with the current licence) and this had an impact on his health. Whilst acknowledging that the landlord managed the premises well, he was concerned regarding the noise impact for seven nights a week emanating from people leaving the establishment and convening outside late at night which might cause anti-social behaviour. The noise had increased over the years and taxis and mini buses sounded their horns late at night.

In response, the applicant's solicitor stated that this would be policed by premises staff and an assurance was given that additional staff would be employed on busy nights. He added that no complaints had been received by the Police in the past regarding incidents nor from the Council's Public Protection Department. Whilst acknowledging that there were problems with young people convening in the park opposite Lombard Street, it could not be certified that they were Ship customers as there were other public houses in this specific area. He also confirmed

that the landlord would work with nearby residents to alleviate any problems that arise. It was added that the Police and the Public Protection Department had powers to take the necessary steps to overcome such problems if any premises did not comply with the regulations. It was emphasised that there was no evidence of anti-social behaviour.

The relevant parties left the meeting and the application was discussed by the Sub-committee members, considering all evidence submitted and giving specific attention to the principles of the act, namely:

- Crime and Disorder Prevention - No evidence had been submitted regarding problems at the premises.
- Public Safety – no evidence had been submitted relating to public safety.
- Public Nuisance Prevention – whilst sympathising the objector regarding noise problems late at night between Thursday and Saturday evening, no evidence had been received from the Police or the Public Protection Department in relation to these problems. The Sub-committee felt that insufficient evidence had been received to grant reducing the opening hours subject to the application. However, it was noted that powers were available to the appropriate bodies to deal with noise problems if any reason arose to use them. However, they were of the view that an additional condition should be attached to the licence to require the landlord to ensure that the CCTV was operational as soon as possible with a request to retain the CCTV films for 31 days, and that they should be available for the Police upon request.
- Protection of Children from Harm - no evidence had been submitted under this heading.

RESOLVED: To approve to vary the licence of the Ship Hotel, 14 Lombard Street, Porthmadog to include:

(i) the removal of conditions in Appendix 2 attached to the original licence, namely:

- **there was a public car park to the rear of the premises**
- **most of their customers were local people**
- **no children allowed on the premises**

(ii) To approve the application to play live music, recorded music and the sale of alcohol from 10.00 – 00.00 every day of the week with the premises closing at 00.30 every day of the week.

(iii) To attach an additional condition to ensure that the CCTV is operational as soon as possible and that the CCTV films be retained for 31 days and available to the Police on request.

The Solicitor reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 11.30am and concluded at 1.00pm.