
CENTRAL LICENSING SUB-COMMITTEE, 01.08.12

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Annwen Hughes and Angela Russell

Also present: Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Heilyn Williams (Licensing Officer) and Gwyn Parry Williams (Members' Support and Scrutiny Officer).

1. DECLARATION OF PERSONAL INTEREST

In relation to the first application, Councillor Louise Hughes noted that she was the sister-in-law of Councillor Annwen Hughes, who was a member of the Sub-committee.

2. APPLICATION FOR A PREMISES LICENCE - BRACKENHURST HOUSE, FFORDD Y BRYN, FAIRBOURNE

Others invited to the Meeting:

On behalf of Brackenhurst House, Ffordd y Bryn, Fairbourne: Mrs Susan Brittain (Applicant) and Mr C. Brittain

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police) and Constable Gareth Edwards.

Representing the objectors: D. Duckhouse, D. Hatchell, J.M. Brown, P. Wilkes, G. Baker, Colin Nepson, Howard Starkey, N. Baker, R. Telford, R. Clark, A. Clark, C. Marshall, Barbara Marshall

Local Member: Councillor Louise Hughes

Submitted – the report of the Licensing Manager, detailing the original application received on behalf of Brackenhurst House, Ffordd y Bryn, Fairbourne for a premises licence for the sale of alcohol and for the provision of licensable activities for residents staying on the premises and for occasional private parties, weddings, barbeques and parties on bank holidays such as New Year's Eve. It was noted that the proposed licensable activities included the sale of alcohol, live music, recorded music, performances of dance and the provision of late night refreshments. The hours requested for live music, recorded music, performances of dance and the sale of alcohol was between 12.00 and 01.00 Sunday to Thursday, between 12.00 and 01.30 Friday and Saturday and between 12.00 and 3.00 on bank holidays with the hours for the provision of late night refreshments between 23.00 and 01.00 Sunday to Thursday, between 23.00 and 01.30 Friday and Saturday and between 23.00 and 0.3.00 on bank holidays. The opening hours for the public would be between 12.00 and 01.30 Sunday to Thursday, between 12.00 and 02.00 Friday and Saturday and between 12.00 and 3.30 on bank holidays. It was understood that the applicant had amended the application now to allow the sale of alcohol to residents only until midnight and he had deleted the other elements, such as live music etc., from the application.

It was reported, following the appropriate consultation period, that the Police, the Fire and Rescue Service (with conditions), the Public Protection Service (with conditions) and the Planning Service did not object to the application. No observations had been received from the local member or the Public Protection Service. Letters had been received from a number of nearby residents, objecting to the application.

The officer noted that a mediation meeting had been held where the applicant and some of the objectors to the application had been invited to discuss the application with the Council's licensing officers and the licensing officer for the Police. Such meetings were held under the licensing procedure in an attempt to alleviate objectors' concerns and to provide applicants with an opportunity to offer a compromise on what was requested in response to concerns. Successful mediation meetings avoided the need to refer the application to a sub-committee. Following the mediation meeting, the applicant submitted a compromise, namely, to amend the application to permit the sale of alcohol to residents only until midnight. However, in the absence of an unanimous agreement to accept the compromise, the application was referred to the Sub-committee.

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 invited 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 supporting the application, the applicant stated that the application had been amended now for the sale of alcohol to residents only between the hours of 12.00 and 0.00 and it was not proposed to proceed with the other elements, such as live music etc. which had been included in the original application.

The consultees were invited to support any observations submitted by letter and Ian Williams, Licensing Co-ordinator, North Wales Police, reported that the Police did not have sufficient evidence to object to the application.

All the objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- The road leading to the premises was steep and extremely narrow with only one passing place along the road. It was noted that some vehicle drivers had to pull into the entrances of some of the houses along the road to enable other cars to pass.
- At times vehicles had to reverse down to the highway nearby because of the narrowness of the road and it was foreseen that an accident would occur, especially if some drivers were not familiar with the road.
- It was a private road and, therefore, it had not been adopted by the Council. It was noted that the residents were contributing towards the maintenance of the road.
- It was a residential area and a quiet area and noise from the premises would be likely to have a detrimental effect on the amenities of nearby residents.
- Insufficient parking provision for residents of the premises resulting in some of the vehicles having to park near other neighbouring properties.
- Should the application be approved, concern was expressed that perhaps a further application would be submitted by the applicant to vary the licence.
- Only bed and breakfast was being provided in the premises and, therefore, as no evening meal was provided there, there would be no need to sell alcohol late at night.

- There was no pavement along the road which was dark since very few lights had been installed along it and approving the application would create more traffic on this road.
- Reference was made to difficulties during the winter when the nearby stream overflowed resulting in the water on the road freezing.
- The applicant had not discussed the application with nearby residents.

In response to some of the above observations, the applicant's representative noted the following:-

- In relation to the road, he was of the opinion that vehicles of guests to the property would not make any difference to the use made of the road.
- Regarding road safety, he anticipated that guests would stay at the premises to have their meal rather than go to the nearest village and this would be likely to reduce traffic on the road. He noted that it was intended to provide evening meals during the forthcoming weeks.
- The applicant contributed to the cost of maintaining the road.
- As the application had been amended it was not proposed to have live music etc. in the premises as the application was now for the sale of alcohol to residents only.
- There was parking provision for four cars in the car park associated with the premises.
- As permission was sought for the sale of alcohol to residents only, he did not foresee any problems regarding noise emanating from the premises.

Constable Gareth Edwards stated that he was familiar with the road leading to the premises. He acknowledged that it was a narrow road and because it was a private road the Police did not have the same powers if an accident happened compared with the powers they had to deal with an accident on the public highway. He noted that there were safety issues because of the narrowness of the road but perhaps this application would not affect this aspect substantially.

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
- Public Safety
- Public Nuisance Prevention
- Protection of Children from Harm

The sub-committee was of the opinion that public safety was an important principle of this application as there was insufficient lighting on the road; no pavement; a narrow, steep road which had not been adopted and, therefore, the Police and Highways Department had no control over it. Approving the application would increase traffic on the road. Also, it would not be possible to have control over the sale of alcohol to residents of the premises only. The previous approved residential licence was operational when there had been different rules in the Licensing Act.

RESOLVED to refuse the application for the reasons noted above.

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

3. APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE OF THE CO-OPERATIVE, STATION ROAD, BARMOUTH

Others invited to the Meeting:

On behalf of Co-operative, Station Rod, Barmouth: Mr Richard Arnot and Mr Alan Cooper

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

Apology: Councillor Gethin Williams (Local Member)

Submitted – the report of the Licensing Manager, providing details of the application by the Co-operative, Station Road, Barmouth to vary the licence to permit extending the hours for the sale of alcohol and opening hours to the public between 06.00 and 23.00 Monday to Saturday, namely two hours earlier in the morning,

It was reported, following the appropriate consultation period, that the Police and the Fire and Rescue Service did not object to the application. No response had been received from nearby residents, the Planning Service or the Public Protection Service. Barmouth Town Council objected to the application. The local member had withdrawn his objection.

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 of 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 of the licensee.
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultees
- v. The applicant or his representative were given an opportunity to summarise their case.

In support of the application, the representative on behalf of the company drew attention to the fact that Barmouth Town Council was the only objector to the application on the grounds that approving the application would encourage anti-social behaviour and it was unreasonable for people to be able to purchase alcohol at 6.00. He had contacted the Town Council regarding its objection but no response had been received. He noted also that the Police had no objection to the application.

The representative of the Town Council was not present at the meeting to endorse the observations that had been submitted by letter.

As the Police had no objection to the application and the Town Council representative was not present at the meeting, the Sub-committee agreed to approve the application to permit varying the licence.

RESOLVED to approve the variation to the licence of the Co-operative, Station Road, Barmouth as follows -

- a) To permit the sale of alcohol under paragraph M as follows -**
- **Monday to Saturday between 06.00 and 23.00**
 - **Sunday between 10.00 and 22.30**
- b) To permit the premises to be open to the public under paragraph O as follows -**
- **Monday to Saturday between 06.00 and 23.00**
 - **Sunday between 10.00 and 16.00**

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

4. URGENT ITEM – TEMPORARY EVENTS NOTICES – BALA PIZZERIA, 4 STRYD TEGID, BALA

(The Chairman agreed, under Section 100B (4) (b) of the Local Government Act 1972 to include this item as an urgent item because of the need to act urgently.)

Others invited to the Meeting:

Representing Bala Pizzeria, 4 Stryd Tegid, Bala: Mr Maseoud Anafcheh (Applicant) and Ms Moira Mai

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

Submitted – the report of the Licensing Manager, stating that five Temporary Events Notices had been received on 19 July 2012 in relation to Bala Pizzeria, 4 Stryd Tegid, Bala. These notices stated the applicant's intention to extend the opening hours for the sale of late night refreshments from 01.00, which was on the current licence, to 03.00, Saturday and Sunday for the last weekend in July 2012 and every weekend throughout August 2012. An e-mail had been received from the Police objecting to the five events taking place because of evidence undermining the licensing objective of preventing crime and disorder. A counter notice had been sent to the applicant, objecting to the event in the first notice in which he was requesting extending the hours on 28 and 29 July 2012, on the grounds that the application was considered as a late notice as it had not been received within the ten full working days from the date of the first event. The four other notices were considered as Standard Event Notices and, therefore, it was a requirement to refer any relevant objection by responsible authorities to this sub-committee for an urgent hearing.

The local member was consulted and stated that anti-social behaviour associated with these premises was a local concern and he supported the Police's objection to the five temporary events.

Mr Ian Williams, Police Licensing Coordinator, reported on the Temporary Events Notices applications which had been received to extend the opening hours of the premises from 01.00 until 03.00 on the weekends of 4 and 5 August, 11 and 12 August, 18 and 19 August and 25 and 26 August 2012. An application had also been received for the weekend of 28 and 29 July 2012 but because it was a late application, there was an objection to the application and the

Council sent the applicant a counter notice informing him of this. However, the Council's Enforcement Officers had visited the premises at 01.50 on 29 July 2012, when it was found that the premises were continuing to provide hot food take-aways for customers. It was noted that the current premises licence permitted the sale of late night refreshments until 01.00 on Friday and Saturday evenings with the premises closing to the public at 01.30.

The Police objected to the applications mainly under the objective of preventing crime and disorder and public nuisance. Complaints had been received from local residents regarding the behaviour of customers congregating outside this property during the early hours of the morning, sometimes until 03.00 or 04.00 and even until 05.00.

He noted that specific calls had been made on 27 May and 4 June 2012, reporting that the premises continued to sell pizzas at 03.10 and 01.30 with customers sitting outside eating the food. There was a further call on 4 June 2012, reporting that there was disorder in Stryd Tegid until 05.00. Other calls had been received at 02.55 on 10 June 2012, at 03.45 on 15 July 2012 and at 03.40 on 29 July 2012, referring mainly to the behaviour of customers emerging from the Old Court House building and congregating in Stryd Tegid. The applicant was also responsible for the Old Court House restaurant, located next door to the Pizzeria, and which has a licence until 03.00 but not to provide late night refreshments after 23.00. He drew attention to the fact that the applicant completely ignored the current hours on his licence and according to local residents, opened constantly beyond his permitted hours. Calls had also been received from residents of a nearby hotel complaining about the behaviour of individuals outside this property and the Old Court House and this obviously affected the business of the hotel.

He noted further that the applicant had received a Temporary Events Notice on 19 and 20 August 2011, up to 01.00 and when the Council's Enforcement Officer visited the premises at 01.30, they were continuing to provide refreshments.

The Council's Enforcement Officers visited the premises on 8 June 2012 and at 01.50 the premises was selling hot food. He noted that he had been given to understand that a notice had been placed in the window of the Pizzeria directing customers to the Old Court House to order pizzas there, but it had no licence to provide late night refreshments.

He was of the opinion, should these applications be approved, that the applicant would not adhere to the hours and it would be certain to lead to an increase in public nuisance for local residents in Stryd Tegid.

In response to some of the above observations, the applicant noted -

- Much of the evidence submitted by the Police was incorrect.
- On one weekend, customers had been directed from the Pizzeria to the Old Court House for refreshments because that premises was open until later.
- He had moved his business from Stryd Berwyn to Stryd Tegid and he needed the same hours there.
- He did not accept the allegation that the behaviour of individuals outside his premises was caused by his customers.
- The Police inspected his CCTV system on quite a regular basis.
- He acknowledged that he had not complied with some aspects of the licence conditions, e.g. he was unaware that he did not have a right to sell late night refreshments after 23.00 in the Old Court House premises.

Considering the Police's objection to these notices and on the basis of the evidence submitted by them the sub-committee supported their objection.

RESOLVED to refuse the Temporary Events Notices applications and to send a counter notice to the applicant for the four events.

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 to inform him of his right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 11.00am and concluded at 2.00pm