

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	29 JANUARY 2014
TITLE:	APPLICATION TO VARY A PREMISES LICENCE – Y CWRT, 62 HIGH STREET, BALA
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

APPLICATION

Attached is an application by the licence holder, Maeseoud Anafcheh, to vary the license of Y Cwrt, 62 High Street, Bala LL23 7AB.

The application has been submitted in order to add the licensable activity of providing late night refreshments to be consumed off the premises.

The proposed hours for licensable activities are as follows –

	CURRENT LICENCE	PROPOSED LICENCE
Days	Hours of late night refreshment provision	Hours of late night refreshment provision
Sun - Thurs		23:00 – 02:00
Fri -Sat		23:00 - 03:00
	Premises opening and closing hours	Premises opening and closing hours
Mon-Thurs	11:00 – 02:30	11:00 – 02:00
Fri- Sun	11:00 - 03:30	11:00 - 03:30

Current licence details

The times the licence authorises the carrying out of licensable activities	
(e) Live Music Indoors	
17.00 – 00.00	Monday to Sunday
17.00 – 02.00	All Bank holidays including Christmas Eve & Day Permitted hours for New Year's Eve (36hrs)
(f) Recorded Music	
17.00 – 00.00	Monday to Sunday
17.00 – 02.00	All Bank holidays including Christmas Eve & Day Permitted hours for New Year's Eve (36hrs)
m) Sale by retail of alcohol	
11.30 – 02.00	Monday to Thursday
11.30 – 03.00	Friday to Sunday
Permitted hours for New Year's Eve (36hrs)	

The opening hours of the premises	
11.00 – 02.30	Monday to Thursday
11.00 – 03.30	Friday to Saturday
Permitted hours for New Year's Eve (36hrs)	

Application for a minor variation

The applicant originally submitted an application for a minor variation on 26 March 2013. The consultation period on the application ended on 23 April, and due to the fact that the Police and Council officials attested that the notice had not been displayed on the premises in accordance with

the requirements of the Licensing Act 2003, the licensing officer requested that the applicant re-advertise the notice on the premises.

The second period for the receipt of representations ended on 23 May 2013. As two members of the public submitted objections, and that the Police submitted evidence confirming the concerns of neighbouring residents, it was decided that the applicant should be requested to re-submit an application for a full variation, so that any objections, and observations from the Police, would be referred to this Committee for consideration.

Application for a full variation

An application for a full variation was submitted by the applicant on 8 July 2013.

Prior to the end of the consultation period on the application on 9 August, confirmation was received that the application had not been advertised in a local newspaper during the consultation period as required by the Act. The licensing officer notified the applicant that he must undertake a full second consultation on the application, by displaying a copy of the notice on the premises and advertising the notice in a local newspaper. In line with normal practice, the licensing officer prepared a copy of the new notice and sent it to the applicant. The consultation period had been extended with a closing date of 27 August for representations.

During the consultation period it became evident that the advert had not appeared in the press, and the consultation was extended once more with an amended date of 16 September for the receipt of representations, in order to provide sufficient time for the applicant to advertise on the premises and in the press.

On 29 August confirmation was received from the Police that the advert had appeared in the Cambrian News on that day. Although the advert had appeared in the press, the date in the advert requested observations to be received before 29 September. It also became evident during this period that the notice had not been displayed on the premises in accordance with the requirements.

Despite the fact that Licensing Unit officers had had several conversations with the applicant regarding the need to correctly advertise the application and display a notice of the application - this was not done.

The applicant was again notified on 21 October that the Licensing Unit had to receive evidence that he had correctly displayed the notice on the premises.

The consultation period started again on 21 October. The applicant promised that evidence would be submitted to prove that the notice had been correctly displayed on the premises.

The applicant was dissatisfied that the application had not been referred to this Committee for a decision. The hearing on the application which was arranged to take place on 18 December 2013 had to be postponed as the applicant had not provided evidence that the notice had been displayed on the premises in sufficient time.

The evidence was received from the applicant on 4 December.

Temporary Event Notices

The applicant was advised that he had the right to a temporary extension to the hours of late night refreshment provision on up to 11 occasions in a year by means of the Temporary Event Notice submission process. Between August 2013 and the end of December the applicant submitted 9 Temporary Event Notices.

The provision of late night refreshments to be consumed off the premises was approved on the following occasions –

Dates of Temporary Event Notices	Time of late night refreshment provision
9 & 10 August 2013	23:00 – 02:30
16 & 17 August	23:00 – 02:30
23, 24, 25, 26 August	23:00 – 02:30
30 & 31 August	23:00 – 02:30
14 September	23:00 – 02:30
21 September	23:00 – 02:30
20 & 21 December	23:00 – 03:00
26 December	23:00 – 03:00
28, 29, 30, 31 December	23:00 – 03:00

Summary of the representations received to the consultation on the application

The representations on the application received within the consultation periods were as follows –

RESPONSES	OBSERVATIONS
The Police	E-mails - comments and evidence
Neighbouring residents	2 e-mails - objections
Neighbouring hotel	3 comment forms, 2 e-mails, comments and objection
Snowdonia National Park	1 letter, comments
Fire and Rescue Service	Letter, no objection

North Wales Police

Evidence was received from the Police, confirming that calls had been received from a local resident stating that customers were exiting the premises with food after 11:00pm, contrary to the existing licence conditions.

In the Police e-mails it is noted that the applicant had been reminded of the need to operate within the conditions of his current licence.

In addition, the Police confirmed that one resident had sent photographs of food cartons and glasses on the street outside the premises; suggesting that the licensing objective of preventing a public nuisance was being undermined.

In relation to the weekends when an extension to the hours of late night refreshment provision had been granted - it was noted that the Police had received one call at 3:18am on 26 August. The complainant was concerned about the high noise levels coming from Bala High Street.

It was also noted that disturbances on other occasions had been brought to the Police's attention; in relation to the general conduct of people on the High Street in Bala late at night; although these events cannot be directly linked to Y Cwrt.

Neighbouring residents and businesses

Two neighbouring residents, and individuals representing a nearby hotel object to the application on the grounds of the following licensing objectives -

- Prevention of crime and disorder
- Prevention of public nuisance

- Public safety

Occasions are described where customers have been witnessed leaving the premises with food, later than the hours permitted in the licence. There are descriptions of antisocial behaviour such as fighting, urinating in a public place, and shouting outside the premises between 2am and 4am at weekends.

Snowdonia National Park

Observations were received from the Authority regarding the planning status of the premises. As consideration cannot be given to planning matters in relation to the process of considering applications for a licence the Authority does not object to the application.

It should be noted that condition 7 of the planning permission allows the premises to be open between 7am and midnight.

RECOMMENDATION

The Sub-committee is requested to consider the application in accordance with the Licensing Act 2003.

Specifically, the Sub-committee is requested to consider whether the application has been submitted in accordance with the Act's requirements and has received appropriate consultation.

It is also recommended that consideration is given to the evidence submitted by residents, the individuals from a nearby hotel and the Police.