

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>5 JUNE 2014</b>
<b>TITLE:</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE – THE BOATYARD INN, GARTH ROAD, BANGOR</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF REGULATORY DEPARTMENT</b>

## **APPLICATION**

An application for the review of the premises licence of The Boatyard Inn, Garth Road, Bangor was given to the licensing authority on 16 April 2014 by Bangor City Councillor June Marshall, representing the Garth Ward. A copy of the application is provided in Appendix 1.

The application to review the premises licence relates to the following licensing objectives:

- The prevention of public nuisance
- The protection of children from harm

As per the application document, the applicant's grounds for review are:

- Noise at anti-social hours as people leave the pub late at night.
- Noise and anti-social behaviour of clientele coming from the three outdoor seating areas.
- Music disturbances.

The application document provides detailed information listing record of anti-social events and disturbances at the premises from June 2012 to March 2014. Photographic and video evidence has been provided in support of this information.

The applicant requests that the licence be amended to prevent the on-going noise and anti-social disturbance to the local residents at anti-social hours.

## **PREMISES LICENCE HISTORY**

The premises licence was initially granted on 24 November 2005, when the premises name was The Union Tavern. In July 2006 the premises changed its name to The Boatyard Inn. The premises licence was transferred to new licence holders in August 2006, November 2008 and to its current licence holder, Miss Hayley Meek, in November 2009.

Since the licence was initially granted in November 2005, no variations have been made to its opening hours, plan, licensable activities nor to the Conditions consistent with its Operating Schedule. Therefore, the licence remains as proposed by the original applicant in 2005.

The licensable activities authorised by the licence are as follows:

- Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance - Indoors
- Late Night Refreshments - Indoors
- Supply of Alcohol - On and Off Premises \*

\* The supply of alcohol allows for consumption both on and off the premises however the supply must take place within the licensed area of the premises. The licensed area of the premises licence of the Boatyard Inn is the ground floor of the premises as specified in the 2005 application.

A copy of the Premises Licence showing the plan, all licensable activities, timings and the Conditions consistent with the Operating Schedule is provided in Appendix 2.

## **REPRESENTATIONS**

A total of 33 representations were received with regard to this application, copies of which are found in Appendix 3.

### **Summary of Representations received from Responsible Authorities**

**Licensing Authority** – the representations of the Licensing Authority acting in their capacity as a responsible authority detail the history of complaints received and visits made to the premises since July 2013. It is unclear from their representations how many residents made the 11 complaints. Their representations include a copy of a poster and of the Boatyard Inn Facebook page dated 5 November 2013 (bonfire night) where an ‘outside bar’ was being advertised. Their representations also include a copy of a written warning letter issued to the premises licence holder on 13 November 2013 explaining that the premises licence for the Boatyard Inn only covered the ground floor of the premises and therefore licensable activities could not take place outdoors. The licence holder was advised that to allow licensable activities to take place outdoors an application for a Temporary Event Notice could be made or an application made to vary the premises licence.

**Environmental Health** – the representations of the Environmental Health service provide a summary of 6 complaints received from 3 residents covering the period 8 June 2012 to 1 May 2014. All complaints received by the service relate to noise nuisance from the premises.

**North Wales Police** – the representations of the North Wales Police service confirm that during the period June 2012 to May 2014 a number of telephone calls had been made to the Police regarding loud music at the premises. The Police recommend that the conditions of the licence be amended to include CCTV and Door Supervisors requirements at the premises.

**North Wales Fire & Rescue Service** did not wish to make representations on the application.

### **Summary of Representations Received from Interested Parties**

**Objectors i.e. those in favour of the review** - 14 representations were received from interested parties that reside or have family who reside at Garth Road or Glandwr Terrace. An additional 1 representation was received from the local Gwynedd Councillor for the Garth Ward. Every representation received refers to noise nuisance from the premises, and in particular to loud music often being played late at night. Of these 15 representations 10 made reference to the licensable activities taking place in the outdoor area of the premises and 9 made reference to the anti-social behaviour of the customers in particular those in the outdoor area. The representations of one nearby resident includes photographic evidence showing musicians, amplifiers and a karaoke machine in the premises outdoor area.

**Supporters of the premises** - 14 representations were received from various interested parties, including nearby residents, confirming their support for the premises and the premises licence holder. Many representations include those made by nearby residents who state that they do not experience any problems arising from the premises.

## **RECOMMENDATION**

The sub-committee is requested to consider the application and all representations and evidence provided. The sub-committee may issue an informal warning to the licence holder and/or recommend improvement with a particular period of time or may take such of the steps listed in Section 52 of the Licensing Act 2003 (listed below), it considers appropriate, for the promotion of the licensing objectives.

The steps are—

- (a) to modify the conditions of the licence;\*
- (b) to exclude a licensable activity from the scope of the licence;\*
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

\* the modification or exclusion may have effect for a period as specified by the sub-committee but not exceeding three months.