



Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

IS-BWYLLGOR TRWYDDEDU CANOLOG
CENTRAL LICENSING SUB-COMMITTEE

Dyddiad ac Amser / Date and Time

DYDD GWENER 7fed o DACHWEDD, 2014

FRIDAY, 7th NOVEMBER, 2014

Lleoliad / Location:

SIAMBR DOLGELLAU,
SWYDDFEYDD Y CYNGOR PENARLAG COUNCIL OFFICES

DOLGELLAU

am /at 10:30 am

Pwynt Cyswllt / Contact Point

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Dosbarthwyd/Distributed: 29/10/14

IS-BWYLLGOR TRWYDDEDU
LICENSING SUB-COMMITTEE

Aelodaeth / Membership (3)

Y Cynghorwyr / Councillors

Eryl Jones Williams (Cadeirydd/Chairman)

Annwen Hughes

Louise Hughes

W Tudor Owen (wrth gefn / reserve)

Aelod Lleol / Local Member

Cynghorydd/Councillor

Gethin Glyn Williams

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. APPLICATION FOR A PREMISES LICENCE – LION HOTEL, HIGH STREET, BARMOUTH, LL42 1DS

To consider the above application

(copy herewith – blue paper)

TREFN MEWN GWRANDAWIADAU I WYRO TRWYDDED

1. Adroddiad ysgrifenedig gan yr Adain Trwyddedu gydag argymhelliad.
2. Gall aelodau'r Is-bwyllgor ofyn cwestiynau i gynrychiolydd y Cyngor.
3. Ar ddisgresiwn y Cadeirydd gall yr ymgeisydd neu ei gynrychiolydd ofyn cwestiynau i gynrychiolydd y Cyngor.
4. Gall yr ymgeisydd neu ei gynrychiolydd ymhelaethu ar ei gais ac yna galw tystion
5. Gall aelodau'r Is-bwyllgor ofyn cwestiynau i'r ymgeisydd neu ei gynrychiolydd
6. Gwahoddiad i bob ymgynghorai gefnogi sylwadau ysgrifenedig
7. Gall aelodau'r Is-bwyllgor ofyn cwestiynau i'r ymgynghorai.
8. Ar ddisgresiwn y Cadeirydd, gall cynrychiolydd y Cyngor a'r ymgeisydd neu ei gynrychiolydd grynhoi eu hachos.

Atgoffir pawb o'r pedwar egwyddor o'r Ddeddf Trwyddedu 2003 fydd angen ei ystyried, sef:

- 1. Rhwystro Trosedd ac Anrhefn;**
- 2. Diogelwch y Cyhoedd;**
- 3. Rhwystro Niwsans Cyhoeddus; ac**
- 4. Amddiffyn plant rhag niwed:**

PROCEDURES FOR LICENSING VARIATION HEARINGS

1. A written report will be presented by the Licensing Section (with recommendation).
2. Members of the Sub-committee may ask questions of the Council's representative.
3. At the Chairman's discretion the applicant and/or his representative may ask questions of the Council's representative.
4. The applicant and/or his representative may expand upon the application and call witnesses
5. Members of the Sub-committee may ask questions of the applicant and/or his representative
6. There will be an invitation for each consultee to support any written observations
7. Members of the Sub-committee may ask questions of the consultees.
8. At the Chairman's discretion the Council's representative and the applicant or his representative may summarise their case.

All are reminded of the four principles of the Licensing Act 2003 to be considered in all deliberations, namely:

- 1) Crime and Disorder Prevention;**
- 2) Public Safety;**
- 3) Public Nuisance Prevention; and**
- 4) Protection of Children from Harm.**

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	7 NOVEMBER 2014
TITLE:	APPLICATION FOR A PREMISES LICENCE – LION HOTEL, HIGH STREET, BARMOUTH LL42 1DS
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

APPLICATION

An application is appended for a premises licence for The Lion Hotel, High Street, Barmouth, LL42 1 DS by the applicant, Deborah Cox on behalf of The Lion Hotel Limited of The Barn, Chalton Village Road, Wantage OX12 7HQ.

The application is in respect of the supply of alcohol, recorded music, live music, the performance of dance and the provision of late night refreshment. Permission is sought to supply alcohol inside and outside the premises until 01.00am, seven days a week.

A request is also made for the right to hold entertainment inside and outside the premises until 23:00.

See the attached table for details of the proposed hours.

LICENSABLE ACTIVITIES	PROPOSED LICENCE
Supply of alcohol	Mon - Sun 08:00 – 01:00
Recorded and live music – indoors and outdoors	Mon - Sun 11:00 – 23:00
Dance performances – indoors and outdoors	Mon - Sun 11:00 – 23:00
Provision of late night refreshments	Mon - Sun 23:00 – 01:00
Opening and closing hours for the public	Mon - Sun 08:00 – 01:30

Previous premises licence

The premises has been licenced previously, however it should be noted that a different company and different individuals are now seeking a new licence.

The hours for licensable activities correspond to the hours of the old licence; however, some aspects of the licence were reviewed in 2008 when evidence was submitted that the licence conditions had been breached and the licensing objectives had been undermined in relation to public nuisance and antisocial behaviour.

Measures recommended by the applicant to promote the licensing objectives

- It is proposed to request proof of age
- No children under 16 years old permitted on the premises without an adult
- It is proposed to become a member of Pubwatch
- It is proposed to operate a strict policy which will mean zero-tolerance towards individuals involved with drugs or antisocial behaviour
- Provide training for staff

- Regular monitoring by staff to ensure that customers do not create noise nuisance
- Encourage customers to use taxis
- Compliance with health and safety and fire safety regulations.

Full details of the recommended measures can be found on page 16 of the application.

CONSULTATION

RESPONSES	REPRESENTATIONS
Local members	E-mail – objection and observations
Town Council	E-mail – objection and observations
Police	E-mail – observations
Fire and Rescue Service	E-mail – objection and observations
Gwynedd Council – Environmental Health	E-mail – objection and observations
Gwynedd Council – Health and Safety	E-mail – objection and observations
Neighbouring residents	7 letters, 1 e-mail – objections

Objection – Local Member

The local member objects on the grounds of the four licensing objectives of

- Prevention of crime and disorder
- public nuisance prevention
- public safety
- protecting children from harm

in relation to the application. Concern is expressed that permitting licensable activities outside the premises will create a public nuisance. The member is also concerned that the lack of a boundary between the beer garden of the premises and the public footpath undermines the remainder of the licensing objectives.

Representations – Barmouth Town Council

The Council has considered the application, taking into account the opinion of nearby residents, especially in terms of the licensing objective of preventing public nuisance.

Whilst the Council wishes to see the building being used again, concerns are expressed that permitting licensable activities outside the premises until 11.00pm would have a negative impact on neighbouring residents and businesses.

Representations and Recommendations of the Police

Representations were received from the Police the morning after the closing date for accepting representations. The Police's comments have been included with this report as they provide a record of what was agreed with the applicant.

Reference is made to the fact that problems and complaints about noise coming from the premises under a previous licence held up until 2010 which had resulted in a review of the licence in 2008.

Following a discussion with the applicant during the consultation period, the Police are not objecting to the application as the applicant has agreed to hold live and recorded music and dance performances inside the premises only.

In addition, the applicant has agreed to accept additional conditions on the licence in relation to:

1. CCTV
2. No tables or chairs outside the premises after 2200 hours
3. The premises to operate a Challenge 21 Proof of Age Scheme

Representations of the Fire and Rescue Service

A copy of the report sent to the applicant was submitted by the fire officers following a visit to the premises on 10 September. It is noted in the report that the premises did not satisfy the relevant requirements for the proposed licence in relation to the licensing objective of public protection. See details in the appendix of the issues that need to be addressed in the report of the fire officer.

Representations and Recommendations of the Health and Safety Enforcement Officer, Gwynedd Council

Observations are given in relation to the licensing objective of public safety. Following a visit to the site on 10 September, it is recommended that the licence should not be granted until the premises satisfy the requirements of relevant health and safety regulations.

Gwynedd Council's Environmental Health Officer's Representations and Recommendations

Concerns are expressed in relation to the licensing objective of preventing public nuisance. It is noted that the premises is located in close proximity to the residential area of the High Street and there is a history of noise complaints from entertainment inside and outside the premises in the past.

The officer has already sent a copy of the noise management conditions that are recommended for the premises licence, along with a recommendation that no entertainment is held outside the premises.

Objection - neighbouring residents

Observations and objections were received from eight neighbouring residents or businesses by letter and e-mail. All those who responded were very concerned about the location of the premises in the centre of a residential and business area on the High Street, especially in relation to the history of problems associated with the premises in the past.

It is noted that one person who responded had included as evidence several documents and correspondence regarding the problem of customers' behaviour on the premises. Residents complained several times because of noise and antisocial behaviour and the evidence was used to review the licence in 2008. Even after the review of the licence it is reported that there is evidence of breaching the reviewed conditions of the licence.

All those who responded are concerned that there is a potential for the four licensing objectives to be undermined if the licence is approved in accordance with what is being sought, in particular with regard to licensable activities outside the premises. Specifically there are concerns regarding the following issues:-

- Concern that approving entertainment outside the premises will create a noise nuisance and will disturb residents
- Seeking the right to sell alcohol from 8.00am will lead to more problems of crime and disorder
- The current condition of the building is dangerous
- There is a danger to the public because in the past customers used to congregate on the highway directly in front of the premises
- In the past, the behaviour of customers has provided a very negative image for customers of nearby businesses.

The full details of the representations received are attached to the report.

RECOMMENDATION

The Committee is requested to consider the application in accordance with the requirements of the Licensing Act 2003.