

# Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**We, Marston's PLC being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.**

### Premises Licence Number

AE0167

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Menai, Craig Y Don Road, Gwynedd	
Post town Bangor	Post code LL57 2BG

Telephone number of premises (if any)

01248 370071

Non-domestic rateable value of premises

£21500

### Part 2 – Applicant Details

Daytime contact telephone number

01248 370071

Email address  
(optional)

Current postal  
address if  
different from  
premises address

Marston's House, Brewery Road

Post Town

Wolverhampton

Postcode

WV1 4JT

### Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible? Please tick ✓/yes

If not do you want the variation to take effect from Day    Month    Year

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If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1) yes     no

**Please describe briefly the nature of the proposed variation** (please read guidance note 2)

Application is made to vary the premises Licence.

On grant of the Premises Licence in 2005, conditions were imposed which were subsequently subject to an Appeal which was concluded on 27<sup>th</sup> January 2006. Since that date, following various formats of the Premises Licence, there have been periods of time when, the licence has been unclear as to the provisions of its operation but the historic restriction limiting use of the beer garden area are now set out not by way of condition but in respect of the times available for licensable activities despite, consumption not falling within that criteria.

Application is made to clarify the position and extend the potential use of the beer garden.

It is proposed that the recital contained under supply of alcohol on and off premises:

*"Beer garden (drinking only) Monday to Sunday 11:00 to 21:00 hours"*

Be deleted and be replaced with a condition under Prevention of Public Nuisance as follows:

*"There shall be no public access (save for purposes of emergency evacuation) of the beer garden between 23:00 and 08:00".*

It is proposed that the wording clearly identifies the permitted operation of the beer garden. It is proposed that use of the beer garden until 23:00 hours will not result in public nuisance arising.

The addition of conditions so as to monitor potential noise levels are as follows.

- *"For periods between 21:00 and 23:00 when the beer garden is in use, checks to be undertaken at hourly intervals and recorded, should noise levels be audible above background noise then, steps shall be taken to mitigate noise generated within the beer garden area"*
- *"Such records to be retained for a period of 6 months and be available for inspection to the Police and Licensing Officers."*

Additionally, it is proposed that the narrative under general at Annex 2 should be deleted providing no enforceable conditions but simply relates to the time of conversion of the licence in 2005.

No application is made to alter the hours of operation, hours of licensable activity nor the conditions endorsed upon the licence. It is believed that with the addition of the two further conditions, the licensing objective of prevention of public nuisance can be promoted.

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

### **Provision of regulated entertainment (Please see guidance note 3)**

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	
Tue					
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 6)	
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 5)  AS EXISTING	Both	
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<b>Please give further details</b> (please read guidance note 5)
Day	Start	Finish	AS EXISTING
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 6)
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 7)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 8)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5) AS EXISTING		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5) AS EXISTING		
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
Day				Outdoors	
Start				Both	✓
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5) AS EXISTING		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day			<b>Will this entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 4).	Indoors	
Start				Outdoors	
Finish				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick {Y}</b> (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5) AS EXISTING		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption</b> <b>(Please tick box Y)</b> (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon	10:00	00:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri	10:00	01:00			
Sat	10:00	01:00	No change to Non-standard timings save for removal of reference to beer garden operation as per terms of application.		
Sun	11:00	00:00			

**K**

<b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10)
None



<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variation</b> (please read guidance note 6)           <b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)  No change to non-standard timings.
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking**

There is no condition as to use of the beer garden but this restriction is sought to be amended so as to permit usage until 23:00.

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### **a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)**

The premises is restricted in respect of use of the beer garden which has been in place for some 16 years. It is considered that the restriction can be amended so as to allow increase use of the beer garden without adverse impact upon the licensing objective, prevention of public nuisance.

Such usage can take place by the addition of additional conditions set out at (d).

### **b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed.

### **c) Public safety**

No further risks have been identified which need to be addressed.

### **d) The prevention of public nuisance**

It is proposed that two additional conditions be added:

1. *"For periods between 21:00 and 23:00 when the beer garden is in use, checks to be undertaken at hourly intervals and recorded, should noise levels be audible above background noise then, steps are to be taken to mitigate noise generated within the beer garden area"*
2. *"Such records to be retained for a period of 6 months and be available for inspection to the Police and Licensing Officers."*

### **e) The protection of children from harm**

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....  
 Date: 23/12/21 .....  
 Capacity: Solicitors.....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....  
 Date: .....  
 Capacity: Solicitors.....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
<b>Post town</b> Sheffield	<b>Post code</b> S11 8FT
<b>Telephone number (if any)</b> 0114 266 8664	
<b>If you would prefer us to correspond with you by email your email address (optional)</b> mhazlewood@john-gaunt.co.uk	

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.