

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	6 September 2024
TITLE:	APPLICATION TO VARY A PREMISES LICENCE – BECWS MELYN, 41B HIGH STREET, LLANBERIS LL55 4EU
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF ENVIRONMENT

1. APPLICATION RECEIVED

- 1.1 Attached is an application to vary the premises licence of Becws Melyn, 41 B High Street, Llanberis LL55 4EU from Sarah Hopwood, the owner of the business. Becws Melyn operates as a restaurant and small bar, with seating for 20 people. The applicant notes that drinks are served with food, and that it is wine that is mainly served with Tapas. The applicant notes that customers tend to eat slowly, and that the nature of the evenings and food service is relaxed. She is of the opinion that extending the opening hours would be advantageous; although she does note that no late events are being held. The applicant notes that the business has been licensed for a year, and she is of the opinion that the business has been successfully managed over the summer without any problems. Furthermore, she notes that her customers tend to be older, therefore alcohol sales are limited and consequently there is no potential for noise or unruly behaviour.
- 1.2 Permission is sought to extend the sale of alcohol to commence at 09:00am instead of 12pm, and to extend the opening hours from 22:00 to 00:00 on Thursdays, Fridays, Saturdays and Sundays. Permission is also sought to extend the hours of live and recorded music on Thursday, Friday, Saturday and Sunday nights until 00:00.
- 1.3 The application's consultation period was extended to 13 August because it had not been advertised correctly, but now it can be confirmed that the Licensing Authority is satisfied that the application was advertised in accordance with the requirements of the Licensing Act 2003, and the relevant regulations and is therefore valid.
- 1.4 Representations were received on the application and, therefore, it has been referred to a hearing of this Sub-committee for a decision.

See the attached table for details of the proposed hours:

Trwydded Bresennol/Current Licence Oriau Agor/Opening Hours Dydd Sul/Sunday 08:00 - 22:00 Dydd Llun/Monday 08:00 - 22:00 Dydd Mawrth/Tuesday 08:00 - 22:00 Dydd Mercher/Wednesday 08:00 - 22:00 Dydd Iau/Thursday 08:00 - 22:00 Dydd Gwener/Friday 08:00 - 22:00 Dydd Sadwrn/Saturday 08:00 - 22:00	Trwydded Arfaethedig/Proposed Licence Dydd Sul/Sunday 09:00 - 00:00 Dydd Llun/Monday 09:00 - 22:00 Dydd Mawrth/Tuesday 09:00 - 22:00 Dydd Mercher/Wednesday 09:00 - 22:00 Dydd Iau/Thursday 09:00 - 00:00 Dydd Gwener/Friday 09:00 - 00:00 Dydd Sadwrn/Saturday 09:00 - 00:00
Gweithgareddau Trwyddedadwy / Licensable Activites Cerddoriaeth wedi ei Recordio/Recorded Music: Dan do :: Indoors Dydd Sul/Sunday 08:00 - 22:00 Dydd Llun/Monday 08:00 - 22:00	Cerddoriaeth wedi ei Recordio/Recorded Music: Dan do :: Indoors Dydd Sul/Sunday 09:00 - 00:00 Dydd Llun/Monday 09:00 - 22:00

Dydd Mawrth/Tuesday 08:00 - 22:00 Dydd Mercher/Wednesday 08:00 - 22:00 Dydd Iau/Thursday 08:00 - 22:00 Dydd Gwener/Friday 08:00 - 22:00 Dydd Sadwrn/Saturday 08:00 - 22:00	Dydd Mawrth/Tuesday 09:00 - 22:00 Dydd Mercher/Wednesday 09:00 - 22:00 Dydd Iau/Thursday 09:00 - 00:00 Dydd Gwener/Friday 09:00 - 00:00 Dydd Sadwrn/Saturday 09:00 - 00:00
Cerddoriaeth Fyw/Live Music: Dan do :: Indoors Dydd Sul/Sunday 08:00 - 22:00 Dydd Llun/Monday 08:00 - 22:00 Dydd Mawrth/Tuesday 08:00 - 22:00 Dydd Mercher/Wednesday 08:00 - 22:00 Dydd Iau/Thursday 08:00 - 22:00 Dydd Gwener/Friday 08:00 - 22:00 Dydd Sadwrn/Saturday 08:00 - 22:00	Cerddoriaeth Fyw/Live Music: Dan do :: Indoors Dydd Sul/Sunday 09:00 - 00:00 Dydd Llun/Monday 09:00 - 22:00 Dydd Mawrth/Tuesday 09:00 - 22:00 Dydd Mercher/Wednesday 09:00 - 22:00 Dydd Iau/Thursday 09:00 - 00:00 Dydd Gwener/Friday 09:00 - 00:00 Dydd Sadwrn/Saturday 09:00 - 00:00
Cyflenwi Alcohol/Supply of Alcohol: Ar ac oddi ar yr Eiddo :: Both on and off the Premises Dydd Sul/Sunday 12:00 - 22:00 Dydd Llun/Monday 12:00 - 22:00 Dydd Mawrth/Tuesday 12:00 - 22:00 Dydd Mercher/Wednesday 12:00 - 22:00 Dydd Iau/Thursday 12:00 - 22:00 Dydd Gwener/Friday 12:00 - 22:00 Dydd Sadwrn/Saturday 12:00 - 22:00	Cyflenwi Alcohol/Supply of Alcohol: Ar ac oddi ar yr Eiddo :: Both on and off the Premises Dydd Sul/Sunday 09:00 - 00:00 Dydd Llun/Monday 09:00 - 22:00 Dydd Mawrth/Tuesday 09:00 - 22:00 Dydd Mercher/Wednesday 09:00 - 22:00 Dydd Iau/Thursday 09:00 - 00:00 Dydd Gwener/Friday 09:00 - 00:00 Dydd Sadwrn/Saturday 09:00 - 00:00

2. Measures recommended by the applicant to promote the licensing objectives

The measures recommended by the applicant in the application's operating schedule include the following -

- CCTV has recently been installed. CCTV will be provided on the trading area and cash tills.
- Staff will receive training on the licensing objectives.
- Alcohol will be mainly served with food
- The business will join 'Pubwatch'
- Customers will be asked to leave quietly
- It is not intended to serve more than 6 units of alcohol to each customer
- Fire safety training for staff
- Music volume will be controlled if the windows are open
- No tables with more than 6 people to encourage the noise level to be kept to a minimum, and to encourage people not to drink excessively
- No alcohol to be served to people who are intoxicated
- Staff to receive training on ID cards and not to serve to under 18s
- Challenge 25 Policy to be implemented
- Bins to be emptied regularly both inside and outside

Full details of the recommended measures can be found in section M of the application in the appendix.

3 CONSULTATION

The application was consulted upon, and the following responses were received -

RESPONSES	REPRESENTATIONS
North Wales Police	No objection – observations
Fire Service	No objection
Public Protection Service	Objection
Community Council	Objection
Planning Service - development control	Comments
Planning Service - enforcement	Objection
4 responses were received from members of the public	Objection

3 Representations on the application

3.1 North Wales Police

No objection was submitted because the proposed hours were no later than other licensed premises in the area. Nevertheless, a comment was received stating that the Police had received reports of a music noise complaint following an event at the premises on 31/5/24, which went on until the early hours of the morning; and a disturbance because people were standing drinking outside the premises.

3.2 Public Protection Service - Cyngor Gwynedd

It is noted that the use of the premises has recently been transformed from a Bakery to a Café Bar. After receiving complaints of noise disturbance, the officer noted that a meeting had been held with the applicant, Sarah Hopwood, on 7 August to discuss the complaints. It is noted that there are bi-folding doors to the front of the premises, which enables the capacity to be increased by using a new patio area to the front of the premises.

3.3 As the premises is in a location that is sensitive to noise, originally there was a restriction on the Planning consent for the business to be open until 21:00 only. The public had highlighted to the council that these hours were not being adhered to, and further planning applications were submitted in order to extend the opening hours of the business.

Complaints continued to be received from the public, stating that the business was not adhering to the hours on the Planning consent. It is noted that insufficient information has been received from the applicant historically or presently on how they intend to operate to ensure that management measures and actions are in place to ensure that the licensing objectives are upheld.

3.4 It is noted that an attempt was made to discuss noise management with the applicant at the meeting held on 7 August; and the applicant was of the view that there was a responsibility on those complaining to approach her and ask for the noise to be turned down, and that it was not up to her to put proactive noise management measures in place. The applicant also suggested that the neighbours needed to close their windows if the noise was disrupting them.

3.5 Furthermore; the applicant highlighted that they did not wish for the 'open mic' evenings (which led to the noise complaints) to be prohibited; and that it was not unreasonable for them to leave the windows and doors of the business premises open if the weather on these evenings was pleasant. Although these evenings are advertised as acoustic evenings; the

officer notes that a microphone and amplifier are being used. However, it must be acknowledged that some of these evenings ended at 10pm.

- 3.6 The officer notes that complaints were received following a party to celebrate 1 year of being in business held on the site on 31/5/24. The Police and many other responders have also referred to the noise from that night. Images and videos of the night in question appeared on the business' website and social media; and an invitation for the public to come and celebrate the business on the night had been shared prior to the event. The officer submits a series of videos and images as evidence of music noise, loud music, people dancing, disco lights, and customers drinking shots off a ski behind the bar, and being encouraged to do so by the owner. It can be seen from some of the videos that it is dark outside, and that the windows are open. Correspondence was sent to the applicant following the complaints received regarding this event; however, no response or an explanation was received.
- 3.7 Furthermore, the officer submits images and videos received from people who complained about the noise; with some showing the party from the street, with loud music despite the doors being closed; and people gathering on the patio in front of the premises to drink.
- 3.8 The officer also provides details of noise complaints from other nights, e.g. 14/12/23, 23/6/24, 18/7/24 and 19/7/24. Images and videos are also provided as evidence of the noise from these nights; and all videos will be available for the members of the Committee to view.
- 3.9 The officer notes that the applicant needs to acknowledge that a plan is needed to control noise from the premises, and it is also noted that the proposed hours on the application to vary the licence exceed the latest planning hours for the premises. A restriction has been imposed on the opening hours on the planning consent for the purposes of safeguarding the amenities of the community.
- 3.10 Further to the concerns noted by the Public Protection officer, it is noted that a complaint has been received since the responder submitted representations. It is confirmed that a complaint about the noise from customers gathering outside the premises late at night on 16 August was received, and the complainant has submitted a video as evidence to support their complaint. The video shows the customers of the premises talking and drinking in front of the premises and on the street, without any attempt to prevent disturbance, up to 11pm.

3.11 Community Council

- 3.12 The clerk of Llanberis and Nantperis Council notes that the Council objects to the application since complaints have been received about the noise following one of the evenings held on the premises. It is also noted that noise carries when the front of the café is opened.

3.13 Planning Service - development control

It is noted that an amended Planning consent permits the premises to be open between 8am and 23:30, and that the proposed application to vary the licence goes beyond those hours on 4 nights. It is also noted that the planning enforcement service has received complaints about the noise.

3.14 Planning Service - enforcement

It is noted that the application for extended licensable hours are beyond what is permitted on the planning consent for the premises.

3.15 Responses from members of the public

3.16 Four responses were received with many concerns highlighted; mainly in relation to the licensing objective of preventing public nuisance but also in relation to the prevention of crime and disorder. Specifically -

- Disappointment is expressed that the name of the business gives a misconception regarding the nature of the business - although a café is a positive attraction during the day, the premises is a noisy bar on occasions at night.
- That removing the disabled ramp and converting it into a patio area has led to people gathering there to drink on some nights.
- Two responders note that a neighbour had to go to see the business owner during the early hours of the morning when a party was held there on 31 May, and that the owner appeared to be under the influence of alcohol and stating that she could not get people to leave.
- A neighbour noted that he had to keep his windows closed to prevent the noise of customers and cigarette smoke from entering his flat.
- Some responders noted that they have no faith in the ability of the business owner to control noise and anti-social behaviour on the premises, and that her attitude is irresponsible and that a lack of consideration is being shown towards residents.
- One responder noted that the Council has a legal duty to take steps to control noise late at night.
- Two responders noted that fighting and anti-social behaviour had occurred outside the premises one night and that a Dispersal Order had been enforced by the Police.
- One responder noted that customers were helping themselves behind the bar on one of the noisy nights.
- Customers drink and smoke on the patio late at night.
- The owner of a nearby property notes that a Covenant exists on the building where the business is located; the building used to be owned by the Presbyterian Church; and there was a condition in the covenant which noted that neither drinking nor the sale of alcohol should not be permitted in the building.
- Responders note that the area is sensitive to noise with elderly people, babies and families living nearby.
- Responders highlight that many people are complaining about the noise on social media.

4 RECOMMENDATION

In accordance with the Licensing Act 2003, it is recommended that the Committee considers the evidence of a lack of control seen at the premises to date, and REFUSES the application.