
CENTRAL LICENSING SUB-COMMITTEE, 20.12.07

Present: Councillor Tomos Evans (Chairman);
Councillors Evie Morgan Jones and Ieuan Roberts

Also present: Siôn Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager), Heilyn Williams (Licensing Manager) and Glynda O'Brien (Committee Officer).

Others invited to the meeting:

Representing the police: Mr Ian Williams, Licensing Coordinator
PC Geraint Jones
PC Richard Hughes

Applicant: Mr John Roberts
Representing the Applicant: Mr Adam Farrer

Objector: Mr Colin Hughes

Apology: Mr Alun Evans

Councillor Dylan Edwards, the local member, was present and intended to submit observations. However, in light of the fact that he had not submitted written observations, the Applicant's representative objected to him submitting oral observations on the day and he therefore withdrew from the meeting.

1. APPLICATION TO VARY THE LICENCE OF THE SHIP HOTEL, BALA

The report of the Licensing Officer was submitted on the application of the Ship Hotel, Bala to vary the current licence to permit:

- (i) making alterations to the premises in accordance with the amended plans submitted with the application;
- (ii) to amend the numbers permitted in the property to 60 in the Saloon Bar, 60 in the Lounge Bar and 20 in the beer garden
- (iii) the showing of films and to permit recorded music both inside and outside the premises

It was noted that the relevant consultations had been undertaken and observations had been received from the Police and the Environmental Health Officer, together with a letter of objection. No response had been received from Bala Town Council or the local member.

The following procedure was followed when considering the application:-

- i. sub-committee members were given an opportunity to ask questions to the Council's representative;
- ii. the applicant was given an opportunity to ask questions to the Council's representative;
- iii. the Police were invited to support their written observations and the applicant and members of the sub-committee were given an opportunity to ask questions;

- iv. the applicant was given an opportunity to elaborate on his application and to call any witnesses;
- v. sub-committee members were invited to ask questions to the applicant;
- vi. the Council representative was given an opportunity to ask questions to the applicant; and
- vii. a summary of the case was given by the Council's representative and the applicant.

(a) When presenting observations on behalf of the Police, Mr Ian Williams reported that the Police had concerns regarding the application to allow recorded music and the showing of films outdoors at the premises due to public nuisance. They had received complaints in the past regarding noise emanating from the premises and allowing this variation would probably increase the noise to local residents and subsequently increase the number of complaints to the Police.

In response to a query by a member of the sub-committee regarding how many times the Police had been called to the Ship Hotel, the Constable stated that he could not remember when they had been called, however, the Ship Hotel was no exception as they were called occasionally to every public house in Bala.

(b) The objector was given an opportunity to present oral observations and he emphasised that his objection was not personal, but rather he objected to the nuisance created due to the use of the premises, specifically the Ship Hotel's beer garden located 10 yards from his property. He begged the Sub-committee to take into consideration the amenities of nearby residents as the behaviour of those using the beer garden was unacceptable. The situation had deteriorated since the extension of the opening hours of public houses and in addition the legislation regarding smoking in public places had contributed to more use being made of the beer garden and as a result the objector had to suffer more noise and disruption until the small hours and this was not limited to a specific day of the week.

(c) The applicant's representative explained that the first two parts of the application concerned rectifying mistakes on the original licence. The applicant was requesting that the number who could attend the Hotel be amended from the 75, stated in the original licence, to 140.

In the context of entertainment provision in the beer garden, it was explained that there was a plasma television on the wall in the beer garden and the applicant's wish was to show sports from time to time and he stressed that he would not use additional speakers only those that were part of the television. The applicant was more than willing to limit the hours for broadcasting sports up to 8.00 p.m. and he gave an undertaking that he would not use additional speakers. The applicant's representative emphasised that only one objection had been received bearing in mind that there were many other houses in the vicinity of the Hotel.

In response to a query by an officer regarding how he would control noise, the applicant explained that this was not easy but he did have posters up in the Hotel requesting customers to keep their voices down and he would also try to close the doors so that noise did not carry outside the Hotel.

Both parties were requested to withdraw from the meeting and following detailed consideration giving attention to the four principles of the Licensing Act 2003 i.e.:

1. Crime and Disorder Prevention;
2. Public Safety;
3. Public Nuisance Prevention; and
4. Protection of Children from:

RESOLVED: To approve the variation of the licence of the Ship Hotel, Bala, to include:

- (i) make alterations to the premises in accordance with the amended plans submitted with the application;**
- (ii) to amend the numbers permitted in the property to 60 in the Saloon Bar, 60 in the Lounge Bar and 20 in the beer garden**
- (iii) to grant the application to play music inside the Hotel only and restrict the use of the plasma television screen located in the beer garden to show sporting events only up to 8.00 p.m. bearing in mind the impact of noise and disturbance on nearby residents and make provision to minimise this as far as is possible.**

2. APPLICATION FOR PREMISES – PARLIAMENT HOUSE, DOLGELLAU

Present: Councillors Tomos Evans (Chairman); Evie Morgan Jones and Ieuan Roberts

Also present: Siôn Huws (Propriety Officer), Amllyn ab Iorwerth (Licensing Manager), Heilyn Williams (Licensing Manager) and Glynda O'Brien (Committee Officer).

Others invited to the Meeting:

Applicant: Mr Gareth John Kemble

Representing the police: Mr. Ian Williams, Licensing Coordinator; PC Geraint Jones and PC Richard Hughes

Objectors: Mr Wynne G. Hughes, Mr Bernard Lanz and Mr John Rhys Thomas.

Apologies: Mr Alun Evans (Environmental Health Officer) and Mr Dylan Wyn Evans (Objector).

The Licensing Officer presented a report on the application for a Premises Licence for Parliament House, Dolgellau, to permit plays, showing of films, playing of live music, provision for dancing, sale of alcohol with the premises generally closing at 23.30. Members' attention was drawn to the fact that the applicant had included the right for the sale of late night refreshment (Section L of the application) however, following further discussions with the Police he had withdrawn this part of the application.

The Licensing Manager noted that the Fire Service had no objection to the application and attention was drawn to the observations of the Council's Environmental Health Officer who stated an objection based on:

- 1. that a residential property adjoined Parliament House
- 2. the standard of sound insulation afforded by the party wall/roof/floor had not been established
- 3. it was envisaged that a noise nuisance would be created at the residential property should entertainment be held at Parliament House under the present conditions.

Members' attention was drawn to the letter of objection from Dolgellau Town Council together with letters of objection from four nearby residents.

The following procedure was followed when considering the application:-

- (i) sub-committee members were given an opportunity to ask questions to the Council's representative;**

- (ii) the Police were invited to support their written observations and the applicant and members of the sub-committee were given an opportunity to ask questions;
- (iii) the applicant was given an opportunity to elaborate on his application and to call any witnesses;
- (iv) sub-committee members were invited to ask questions to the applicant;
- (v) the Council representative was given an opportunity to ask questions to the applicant; and
- (vi) a summary of the case was given by the Council's representative and the applicant.

(a) When presenting observations on behalf of the Police, Mr Ian Williams reported that following an agreement that stemmed from a discussion between the Police, of the applicant's willingness to delete Section L regarding late night refreshments from the application, and the Police had no objection. It was noted that the applicant had agreed that the premises would be a member of Pubwatch and a representative would attend the meetings and participate in all initiatives. All directives issued by the Pubwatch scheme would be adhered to including complying with Banning Orders issued against any individual.

(b) On behalf of the objectors, observations were given by Mr Bernard Lanz and Mr John Rhys Thomas summing up the concerns they had expressed in their letters and in particular the noise, refuse and the prospective disturbance to the customers of the Ship Hotel and nearby residents. Mr Thomas stated that his house was a Grade II listed building and therefore there were restrictions to installing suitable double glazing to alleviate any noise that would emanate from Parliament House. Mr Thomas proceeded to say that he currently had to clear the mess left outside his premises and if the application was granted he envisaged that the mess would worsen and an additional refuse bin would be required between his premises and Parliament House. He stressed that neither he nor the other objectors had any objection to the premises in its current form, namely that it was open as a restaurant from 9.00 a.m. to 5.00 p.m. but he was concerned that if the application was granted the lives of nearby residents would totally change. He also envisaged health and safety dangers to the public in light of the fact that the pavement in front of the premises was narrow and when people go out to smoke they would have to stand outside, as happens in other premises in the town and would consequently create an obstruction to those walking along the pavement.

Members' attention was drawn to the fact that another company had applied for a similar licence for the premises and that application was unsuccessful.

(c) The applicant presented his case by stating that he had two businesses in the Dolgellau area, namely running the cafe at the Coed y Brenin mountain biking centre, Ganllwyd, and running the cafe at Parliament House, i.e. the premises that was the subject of this application. His intention was to respond to the wishes of his customers by providing facilities for them to enjoy a glass of wine or a bottle of beer in a different atmosphere with music such as the harp, guitar etc. He had no intention to have entertainment every day of the week but if the application was granted he would have the option to offer entertainment on special occasions such as St David's Day etc.

When responding to the queries of members the applicant confirmed:

- (i) that the maximum that could sit in the cafe on the lower floor was 27
- (ii) that the premises had no specific site outside for smokers and he envisaged that they would have to stand outside if they desired to smoke.

Both parties were requested to withdraw from the meeting and following detailed consideration giving attention to the four principles of the Licensing Act 2003 i.e.:

1. Crime and Disorder Prevention;
2. Public Safety;

3. Public Nuisance Prevention; and
4. Protection of Children from Harm:

Resolved: To grant the application for a Premises Licence for the lower floor of Parliament House, Dolgellau to permit plays, showing of films, playing of live and recorded music, provision for dancing, sale of alcohol between 09.00 hours and 23.00 hours with an extension to 01.00 on New Year's Eve together with the following additional conditions:

- (a) ensure that the noise of the music does not disturb nearby residents
- (b) prohibit the disposal of bottles before 08.00 and after 20.00 hours.

The meeting commenced at 11.00am and concluded at 1.00 pm.