
CENTRAL LICENSING SUB-COMMITTEE, 05.09.08

Present: Councillors Eryl Jones-Williams (Chairman); Peter Read and W. Gareth Roberts

Also present: Gareth W Jones (Senior Administrative and Legal Manager), Alwyn Thomas (Licensing Enforcement Officer), Euron Thomas (Environmental Health Officer [Pollution]) and Barbara Owen (Committee Officer).

Others invited to the meeting:

Applicant: Mr Elwyn Evans (Proprietor - Madryn Arms, Chwilog);

Representing the Police: Mr Ian Williams (Licensing Co-ordinator); Sergeant Dewi Jones

Consultee: Mr T. E. Griffiths (Clerk, Llanystumdwy Community Council)

Apologies: Councillor Margaret Griffith (Local Member); Amlyn ab Iorwerth (Licensing Manager)

Apology

Prior to the start of the meeting, the Chairman apologised for the misunderstanding that had occurred when the original meeting was arranged for discussing the application in August. At that time, the hearing had to be postponed due to an insufficient number of members being in attendance.

1. APPLICATION TO VARY PREMISES LICENCE - MADRYN ARMS, CHWILOG, PWLLHELI

The Licensing Enforcement Officer reported on the application of the proprietor of the Madryn Arms, Chwilog, to vary the existing licence so as to include the beer garden, pool room, the court at the rear of the premises and the car park for the following: live music, recorded music, dance performances and anything of a similar description to the above from 11:00 until 24:00 Sunday – Saturday; supply of alcohol from 11:00 until 24:00 Sunday - Wednesday; 11:00 until 02:00 Thursday - Saturday; the premises being open to the public from 11:00 until 00:30 Sunday – Wednesday; from 11:00 until 02:30 Thursday – Saturday.

It was noted that the Police had responded by recommending conditions for events held on the premises; a letter had been received on behalf of the Fire Service submitting observations and a letter had been received on behalf of the Community Council which raised concerns.

A letter had been received from the Environmental Health Officer objecting to the application and providing details of the reasons for the objection.

He reported further that he had met the applicant to discuss the objections and they had reached a compromise regarding the hours, as follows:

Supply of alcohol from 11.00 until 24.00 every day;

Being open to the public from 11.00 until 00.30 every day.

The following procedure was followed when the application was being considered:-

- (i) Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
- (ii) The applicant was given the opportunity to ask questions of the Council's representative.

- (iii) The applicant was given an opportunity to expand upon his application.
- (iv) Members of the Sub-committee were invited to ask questions of the applicant.
- (v) The Council's representative and the applicant were given an opportunity to summarise their case.

The Police Officer reported that the Chwilgig Festival had been held on the premises in August and that the Police had been called on two occasions during the weekend as a result of complaints from local residents in relation to the noise and broken glass in the street. It was noted that the applicant had agreed, following a conversation with the police officers, to include two conditions should the licence be approved, namely, to employ door supervisors on special occasions and to give the Police fourteen days' notice of any event that would include outdoor entertainment. By now, the Police recommended that a third condition be included, namely that plastic bottles and glasses be used outside the existing licensed premises.

In supporting his observations, the Environmental Health Officer noted:

- That there were concerns in relation to the potential of creating noise nuisance as a result of the public house's proximity to the houses.
- Should the application be approved, the applicant could hold nights of loud entertainment every night of the week if he wished to do so.
- Midnight was considered late for outdoor entertainment – the Department's guidance required silence from 23:00 onwards.
- When the noise level was monitored during Chwilgig, a noise level of 55 decibels had been recorded on Friday and Saturday night and 84 db on Sunday night. The accepted level was expected to be between 27 and 42 decibels.
- The Environmental Health guidance would include conditions that could not be adhered to in such close proximity to houses. Consequently, the officers recommended that the application be refused.

The Clerk of the Community Council reported that the Council had discussed the application at a meeting and that it had agreed that permitting music for an additional hour for three nights a week was acceptable, but not for the hours noted in the application.

In response to the observation, the applicant noted:

- There was no intention to extend the drinking hours – this was an error in the application.
- A marquee had been purchased in order to celebrate the centenary of the local primary school in November this year, and the intention with the application was to make appropriate use of the resource during the summer months.
- The events held at Madryn Arms were usually a means of raising money for charity and they were only held occasionally.
- During Chwilgig, the staff of the public house were regularly out on the street clearing any broken glasses.
- Following the event, it was decided to use plastic bottles and glasses during such events in the future.
- Many messages of support had been received from local residents following the Chwilgig Festival and two messages were read out for information to the meeting.

Specific consideration was given to the four principles of the Act when the application was discussed, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention
- Protection of Children from Harm

and the following observations were made:-

- The events held thus far were obviously popular locally and received support from residents in the community.
- No objection to the application had been received from local residents, however, the concerns of the Environmental Health Officers were noted.
- Restricting the period when events were permitted could control the number of occurrences and at the same time, it would give the Applicant the freedom to apply for additional events by means of a Temporary Event Notice.
- Similarly, it would be acceptable to restrict the days of the week when approval would be given in relation to the application.

RESOLVED to approve a Premises Licence for the Beer Garden, Pool Room, the car park and the court to the rear of Madryn Arms, Chwillog, subject to the following conditions:

- a) Live music, recorded music, dance performances and anything of a similar description to the above, facilities for making music, dance and entertainment of a similar description, and the supply of alcohol (namely sections E, F, G, H, I, J, K and M on the application form) from 11.00 until 23.00 on Friday, Saturday and Sunday and Bank Holidays between 1 May and 30 September, with the named locations being open to the public until 23:30.**
- b) Door supervisors registered with SIA to be employed when an entrance fee is charged for access to events that include outdoor entertainment.**
- c) To give the Police fourteen days' notice of any event that includes outdoor entertainment.**
- d) Plastic bottles and glasses to be used during events that include outdoor entertainment.**

The Senior Administrative and Legal Manager reported that a letter would be distributed confirming the Sub-committee's decision, along with the right to appeal against the decision within three weeks to the date of that letter.

The meeting commenced at 2.30pm and concluded at 4.00pm