

CENTRAL LICENSING SUB-COMMITTEE, 02.10.08

Present: Councillors Gwilym Williams (Chairman); Louise Hughes and Gareth Roberts

Also present: Gareth W Jones (Senior Administrative and Legal Manager), Phillip T. Jones (Enforcement Officer); Barbara Owen (Committee Officer)

Others invited to the meeting:

Representing the Police: Ian Williams (Police Licensing Co-ordinator); Raymond Williams (Community Beat Officer); P.C. Dewi Jones (local Police Officer)

The Applicant: Mr Gwynant Hughes (Proprietor); Mr Mike Jones (RSD)

Local member: Councillor Selwyn Griffiths

Objectors: Mr G Jardine; Mr D Jones (Neighbours)

1. APPLICATION TO VARY THE LICENCE OF TAFARN PENCEI, PORTHMADOG

Submitted – the report of the Licensing Manager presented by the Enforcement Officer in reference to the application to vary the licence of Tafarn Pencei, Porthmadog to remove the condition which prevented customers from taking drinks out of the premises.

Reference was made to letters received from neighbouring residents objecting to the application, and the Senior Administrative and Legal Manager noted that the letter by Dr Rowlands could not be considered as her house was a second home. A letter was received from the police objecting to the application due to the possibility of undermining the objective of preventing public nuisance, an e-mail from the local member objecting due to a failure to confirm the curtilage boundary of the public house, and a letter from the Fire Service submitting observations.

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

1. Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant or his representative was invited to ask questions of the Council's representative.
3. The applicant was given an opportunity to elaborate on his application and then to call witnesses.
4. Members of the Sub-committee were invited to ask questions of the applicant and/or representative.
5. Each Consultee was invited to support any written observations.
6. Members of the Sub-committee were given an opportunity to ask questions of the Consultee.

7. The licence holder or his representative was given an opportunity to respond.
8. Members of the Sub-committee were given an opportunity to ask questions of the applicant and / or his representative.
9. The Council's representative and the applicant were given an opportunity to summarise their case.

All were reminded of the four principles of the Licensing Act 2003 to be considered, namely

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

When elaborating on his application the Applicant expressed that he had participated in discussions with the Police and had come to an agreement to vary the application hours to approve the sale of alcohol to be consumed outside the building between the hours of 10.00 am and 7.30 pm as opposed to the public house's usual opening hours as noted on the application. The main reason for the application was to allow families to sit outside with drinks on nice days, and to use the benches which were already located outside the public house; there was no intention to site tables for customers. He noted that there were 30 houses in the square and only three objections came to hand, and not one personal complaint had been received in the past. He referred to the issue of defining the external boundary of the public house, and that he had been in discussions with the Council's Highway Department for some time in an attempt to resolve the matter.

The Local Member reported that he objected to the hours noted on the application due to the concern that the noise would contribute to public nuisance. He also referred to the lack of information regarding the boundary between the property and that which was under Gwynedd Council's control, and the fact that the Porthmadog area operated the 'Dyna Ddigon' scheme, where drinking on the street was prohibited.

In supporting the contents of their letter, the Police officers presented the following observations:

- The Police officers had agreed on the hours of 10.00am until 7.30 pm for drinks to be taken outside the public house.
- The public nuisance problems had been reduced since establishing the 'Dyna Ddigon' scheme.
- When there were problems in the Pencei area, this happened late at night.
- Should the variation be approved, the Police would wish to see better management when games were shown on satellite television.
- There was good co-operation with the community police officers.

In response to a question, Mr Jardine, the owner of one of the nearby houses, confirmed that his main home was Cornhill Cottage, although he did spend much of his time at his business in Cheshire. He objected to the application and submitted the following observations:

- He was to retire in the near future to permanently live at his home in Pencei.
- The noise of customers leaving the Pencei public house late at night had disturbed his peace very often.
- He objected to the application on the grounds that approving the variation could contribute to public nuisance.

Mr Dewi Jones, who lived on the same street as the public house, added the following observations:

- At times, around fifty customers would drink outside the public house without any noise management.
- If the Council owned the land outside the public house, would the customers be breaking the law by drinking outside?

The Enforcement Officer reported that he had sought information from the Highways Department regarding the boundary surrounding the Pencei building, but without success. He confirmed that the Applicant regularly kept an eye on the outside of the public house and encouraged any customers who were drinking to return to the public house.

In response to the objectors' observations, the Pencei Manager noted:

- That he personally collected any litter each night.
- That the site was cleared by 1.00am.
- The Pencei glasses were kept in bins to the rear of the public house and were disposed of on a weekly basis.
- There was no problem with excessive noise during the day.
- Any person that behaved untowardly or swore was immediately banned.
- No complaint had been personally received from any of the neighbouring residents

Given the Police and the local residents' evidence and in order to conform to the following principles:

- a) Crime and Disorder Prevention
- b) Public Safety
- c) Public Nuisance Prevention
- d) Protection of Children from Harm

the application was discussed in full in the light of all observations submitted and the following observations were expressed:

- Very few public houses nowadays had the variation prohibiting carrying alcoholic drinks outside the premises.
- The issue of the boundaries of the public house was to be discussed between the Owner and the Highways Department.
- Any person had the right to drink in outside areas unless the police prevented them at that moment.
- There was a responsibility on the publican to encourage customers to leave the premises quietly without causing any public nuisance
- A variation could not be imposed on a licence to use plastic glasses outside the public house, but it was possible to ask the publican to do this.

The above suggestion was submitted to the owner, and he agreed at once to serve any drinks that were to be carried outside the premises in plastic glasses.

RESOLVED to approve the application to vary the licence for Tafarn Pencei, Porthmadog as follows:

- a) approve the sale of alcohol to be consumed outside the premises between the hours of 10.00am and 7.00pm, allowing an additional half hour until 7.30 pm to clear everyone and everything from the outside**
- b) that the boundary between the premises and Council property is clearly defined**
- c) that the premises conforms to the Fire Service's conditions.**

The Senior Administrative and Legal Manager reported that a letter would be distributed within seven days confirming the Sub-committee's decision, and everyone was notified of the right to appeal against the Sub-committee's decision within twenty-one days of receiving the letter. He

also noted the right to request the review of the licence should anyone have any evidence that the above conditions were not adhered to. The Manager promised to make enquiries regarding the issue of defining the boundary between the Pencei premises and the Council property.

The meeting commenced at 10.30pm and concluded at 12.20pm