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## CENTRAL LICENSING SUB-COMMITTEE, 16-03-09

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**Present:** Councillor Eryl Jones-Williams (Chair),  
Councillors Peter Read and Dewi Llewelyn.

**Also present:** Gareth W. Jones (Senior Legal and Administrative Manager), Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Ioan Hughes (Committee Officer).

**Others invited to the meeting:**

**Representing the Police:** Mr Ian Williams (Police Licensing Coordinator), Sergeant Dewi Jones, Raymond Williams (Community Beat Officer).

**Applicants:** Mr Mark Barbie (Tenant), Mr Vic Barbie (father and business partner), Claire Johnson (solicitor representing Enterprise Inns), Wynne Hughes (Enterprise Inns – Licensee)

**Objector:** Mr Robert Lewis (local resident)

**1. DECLARATION OF PERSONAL INTEREST**

No declaration of personal interest was received from any member present.

**2. APPLICATION TO REVIEW THE LICENCE FOR THE AUSTRALIA INN, PORTHMADOG**

Submitted – the report of the Licensing Manager on the application by the Police to review the Premises Licence of the Australia Inn, Porthmadog following a number of incidents that had occurred between 3 August 2008 and 26 December 2008.

In considering the application the following procedure was followed:-

- i. A written report was presented by the Licensing Section (with recommendation)
- ii. The Applicant was given an opportunity to expand on the application
- iii. Members of the Sub-committee were given an opportunity to ask questions of the Applicant
- iv. The Licensee or his representative were given an opportunity to respond to the observations
- v. At the Chair's discretion, members of the Sub-committee were given an opportunity to ask question of the Licensee
- vi. At the Chair's discretion, the Applicant and the Licensee were given an opportunity to summarise their case.

In submitting observations to support the application reference was made to a number of incidents that could be attributed to the Australia Inn. It was stated that many of the

incidents, which had occurred between 3 August 2008 and 26 December 2008, were Crime and Disorder related.

It was explained that a Stage 2 meeting concerning management of the premises had been held on 3 December 2008 with attendance by the Police, Local Authority, DPS and tenant's father.

It had been agreed at that meeting to proceed to an Action Plan but prior to the action plan being signed and implemented the premises in question would be subjected to a Police led Test Purchase Operation. It was explained that the Premises had failed that test when the 15 year old subject was served with a bottle of WKD Blue.

It was added that the Police had dealt with five further incidents since 26 December, the most recent of which being on the evening of Saturday 14 March.

Given that three of the four licensing objectives had been breached, i.e. crime and disorder, the prevention of public nuisance and the protection of children from harm, it was deemed appropriate to bring the matter to review.

The Police Licensing Coordinator stated that further discussions had taken place with the tenants and their representatives and they had now reached an agreement with regard to amendments to the licence for any activities. In addition to these the Police also proposed that the non-standard hours on Friday and Saturday evenings on each Bank Holiday, Christmas Eve and Boxing Day should be amended, that the sale of alcohol at the Inn should cease at 1am and that the Inn should close at 1:30am.

The objector stated that he supported the efforts of the Police but that he proposed to go a step further in ensuring that the playing of music should stop at the Inn at a specified time and that the sale of alcohol should cease at midnight.

He added that he lived within 50 metres of the Inn but that he was speaking on behalf of a number of other residents. He stated that the difficulties occurred mainly on Wednesday, Friday and Saturday evenings. He further stated that the noise would continue until the early hours of the morning and that the problems were persistent rather than occasional.

In response to the application and the observations that had been made the representative of the tenant of the Australia Inn submitted the following observations:

- That the premises had been closed for a period of eight months but that no reference had been made to problems stopping during this period
- That the tenants had invested substantially in the premises and wanted to attract people to come and stay there. She emphasised that people would not want to stay there if the noise was unreasonable
- That the objector had not made a direct complaint to the tenant
- That the time restrictions suggested by the objector in respect of music and the selling of alcohol would threaten the future of the Inn
- That the evidence submitted in objection to the activities at the Inn was that of only one local person
- She emphasised that the conditions set by the Police were adequate to ensure order.

In response to questions asked by members of the Sub-committee the tenant of the Australia stated that there was no rear door to the premises for individuals who wanted to go outside to smoke. However, it was explained that a planning application that had been submitted for such a development had been refused because of its impact on local residents.

With regard to the issue of smokers continually exiting and entering the building, he said that he would be willing to consider the introduction of a wristband identification system to ensure that new customers would not be able to enter the premises after 11:00pm.

He was also willing to inform the Police in advance of any planned entertainment on Saturday evenings.

He explained that children were allowed access to the premises to eat meals with their families and, in response to the issue of the Test Purchase Operation, he admitted that an error had been made but that no forewarning had been received of any such operation. He felt that this was unfair.

The tenants and their representative, the Police officers and licensing officers left the room whilst members of the Sub-committee discussed the application.

During the discussion the following matters were addressed:

- Concerns in relation to smokers continually exiting and entering the building, and the need to introduce a wristband identification system
- The possibility of using noise limitation equipment in the premises
- Amendment of the closing time of the Inn on Friday and Saturday evenings

**RESOLVED to amend the licence of the Australia Inn as follows:**

**a) There shall be no live music, dance performances or provisions for making music or dance from Sunday to Thursday**

**b) Provision of recorded music From Sunday to Thursday shall be at background levels only**

**c) Highly visible SIA approved door supervisors (a minimum of two on each entertainment night)**

**ch) CCTV cameras inside and outside the building. Recordings to be maintained in unedited format for a period of not less than 31 days and made available to the Police or Local Authority on request**

**d) CCTV cameras to be installed by 7 May 2009**

**dd) Proof of age scheme to be in operation and staff to be fully trained and signed off**

**e) No alcohol to be served to drunken persons**

**f) No entry to new customers after 2300**

**g) No alcohol to be served at the premises after 12:30am and the premises to close at 1am on Friday and Saturday evenings**

**ng) Amendment of non-standard hours on Friday and Saturday evenings on each Bank Holiday, Christmas Eve and Boxing Day to stage activities under paragraphs A, B, C, E, F, G, H, I, J, L and M until 01:00 hours and to close at 01:30 hours**

**h) Police to be informed of plans to stage entertainment at any time, except on Friday evenings**

**In addition to the above conditions, members of the Sub-committee recommended that the tenants should hold discussions with the Environmental Health Authority to agree noise levels and the possibility of installing noise limitation equipment at the premises.**

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