
CENTRAL LICENSING SUB-COMMITTEE, 09/09/10

Present: Councillor Gwilym Williams (Chairman)
Councillors Evie Morgan Jones, J. R. Jones

Also present: Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Gwyn Parry Williams (Committee Officer).

Others invited to the meeting:

Applicants:

Representing the Albert Inn, Caernarfon: Mr Howard Mitchell (Designated Premises Supervisor), Mr Peter Ashcroft (Solicitor on behalf of Admiral Taverns Ltd) and Mr Harvey Nurse (Business Manager – Admiral Taverns Ltd)

Representing the Police: Sergeant Stephen Williams, Constable Andrew Jackson and Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Representing the objectors: Mrs Barbara Hughes

Apologies: Councillors W. Roy Owen and Eryl Jones-Williams and Ffion Muscroft (Environmental Health Officer)

1. APPLICATION TO VARY PREMISES LICENCE – ALBERT INN, 10 SEGONTIUM TERRACE, CAERNARFON

Submitted – the report of the Licensing Manager providing details of an application on behalf of the Albert Inn, 10 Segontium Terrace, Caernarfon, to vary the premises licence in order to extend the hours for the sale of alcohol to between 11.00 and 01.00 Mondays to Wednesdays, 11.00 – 02.00 Thursdays to Saturdays and 12.00 – 23.30 Sundays; live music between 11.00 – 00.00 Mondays to Saturdays and 12.00 – 23.30 Sundays; recorded music between 11.00 – 01.00 Mondays to Wednesdays, 11.00 - 02.00 Thursdays to Saturdays and 12.00 – 23.30 Sundays, with the premises open to the public between 11.00 – 01.30 Mondays to Wednesdays, 11.00 – 02.30 Thursdays to Saturdays and 12.00 – 00.00 Sundays. A request was also made for additional hours on Bank Holidays, Christmas Eve, Boxing Day and for the New Year.

It was reported, following the appropriate consultation period, that the Police or the Environmental Health Department had no objection to the application with conditions. The Fire and Rescue Service or Trading Standards Section did not have any objection either. Letters had been received from a number of nearby residents, objecting to the application.

In considering the application, the following procedure was followed:-

- i. Members of the Sub-committee and the Applicant were given an opportunity to ask questions of the Licensing Manager.
- ii. The Applicant was invited to expand on the application.
- iii. Consultees were given an opportunity to support their observations.

- iv. The licensee, or his representative, was invited to respond to the observations.
- v. Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii The Applicant or his representative was given an opportunity to summarise their case.

In supporting the application, the Designated Premises Supervisor informed the sub-committee that he had been running the public house for approximately two and a half years. He referred to the fact that he had experienced very few problems in relation to the premises thus far. In relation to one incident referred to in one of the letters of objection, when a drunken person had thrown a bottle to the garden of the property next door, that person had been banned from using the public house. He noted that the cases where it had been required to call the police had been very scarce. He referred to the fact that the public house had darts, pool and dominoes teams and the application for extending the hours had been made specifically because when tournaments were held between the various teams, some of the games, at times, tended to run until late. A large number of customers attended the public house on Saturday nights and he apologised for the loud talking / laughing noise that came from the premises, but that it was difficult to keep control of that. In general, local people attended the public house and a request had been made by some of them for the hours to be extended. He confirmed that he did not intend to sell alcohol until 02.00 at weekends, but it would give himself and his staff more time to ensure that all of their customers had left the premises. In relation to music in the public house, he informed the sub-committee that he did not intend to have rock bands playing there, but rather trios, light music and karaoke should there be demand for it. People were prohibited from taking bottles and glasses from the public house and a person was employed by the door to ensure that this did not happen. He was willing to clear the cigarette butts left by customers outside the public house. In response to a member's question regarding employing door staff, he confirmed that this provision was not required except for on Bank Holidays.

The consultee was invited to support any observations presented through letter and Mr Ian Williams, Licensing Co-ordinator, reported that the police had received one telephone call complaining directly about this premises during 2010. He was of the opinion that this was not sufficient evidence to object to the application. However, following a meeting with the Designated Premises Supervisor of the Premises, he had agreed to amend the application as follows – *where there is reference to New Year's Day in the non-standard timings in Sections E,F,H,I,J,K,M and O of the application, these activities will finish no later than 02.00.* He also requested for the following condition to be imposed on the licence -

“Digital CCTV coverage to monitor all areas open to the public including all entrances/exits (excluding inside the toilets). CCTV footage to be retained for 30 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply at the time, then the relevant footage to be taken to the nearest office of that authority (in this case, Caernarfon Police Station) as soon as practicable, and in any case within 48 hours.” He noted that the Designated Premises Supervisor had agreed to accept this condition.

In the absence of the Environmental Health Officer, it was reported that the officer was eager for relevant conditions in relation to noise prevention etc. to be included on the licence.

The objector present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- Vomit, rubbish and cigarette butts being left outside her property was a problem and happened often.
- As she lived next door to the public house, some customers threw glass bottles into her back garden. Recently, she had had to call the police because of this.
- Noise came from the public house late at night, in particular at weekends, and this disrupted the amenities of the residents of nearby houses.
- Taxis arrived at the public house late at night to pick up customers and hooted outside her property.
- Some of the customers who used the beer garden at the rear used foul language.

The Designated Premises Supervisor replied to some of the above-mentioned points as follows

- He had not noticed that taxis hooted outside the public house late at night.
- There was no certainty that the vomit on the street outside the public house was being caused by the customers.
- It was not possible for him to manage the noise in the public house because it was a busy public house, in particular at weekends.
- That he would collect the rubbish left outside the public house should the need arise.
- That he would be willing to accept the conditions recommended by the Environmental Health Section.

The designated premises supervisor and his solicitor, the company's business manager, the representatives of the Police, the Licensing Manager, the local members and the objector all withdrew from the meeting and the application was discussed by Sub-committee members. Consideration was given to all evidence submitted, and particular attention was given to the principles of the act, namely:

- Crime and Disorder Prevention – the police had been called to the premises, but there were no significant problems there in relation to crime and disorder. However, the sub-committee was disappointed that the applicant had not agreed to the condition of having door staff present on Thursdays, Fridays and Saturdays. The police had no objection to the application in accordance with the changes they had suggested and that this had been agreed by the applicant.
- Public Safety – no relevant evidence was presented in relation to this licensing objective.
- Public Nuisance Prevention – the sub-committee considered that the additional hours requested would involve opening for an additional two hours to the existing hours, which meant that on Thursdays to Saturdays, it would be open until 02.30. In this context, it was considered that the location of the premises was in a residential area and that it could be differentiated from other premises in the town that were not in such close proximity to a residential area. Consideration was also given to the concerns of the nearby residents. As a result to the evidence submitted, it was felt that approving an extension to the hours would cause too much nuisance to nearby residents. The applicant's wish to accommodate darts, pool teams etc. was acknowledged and that they could approve an extension during the week. The sub-committee did not have any objection to licensed activities subject to the suggested conditions being included on the licence.
- Protection of Children from Harm - no evidence regarding this objective had been submitted.

RESOLVED to approve the variation to the licence of the Albert Inn, 10 Segontium Terrace, Caernarfon, as follows -

- a) The hours the premises are open to the public (paragraph O) – Mondays to Wednesdays 11.00 – 00.00 hours.**
- b) Supply of alcohol (paragraph N) – Mondays to Wednesdays – 11.00 – 23.30 hours.**

- c) Recorded music (paragraph F) – Mondays to Wednesdays – 11.00 – 23.30 hours.
- ch) Live music (paragraph E) – Anything of a similar description (paragraph H). Provision of facilities for making music (paragraph I). Provision of facilities for dancing (paragraph J). Provision of facilities for entertainment of a similar description (paragraph K) – Mondays to Saturdays – 11.00 – 23.30 hours, Sundays 12.00 – 23.30 hours.
- d) Non-standard timings for all permitted licensable activities and the opening hours of the premises – one additional hour on Bank Holidays, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day.
- dd) Digital CCTV coverage of all areas open to the public including all entrances/exits (excluding inside the toilets). CCTV footage to be retained for 30 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply at the time, then the relevant footage to be taken to the nearest office of that authority (in this case, Caernarfon Police Station) as soon as practicable, and in any case within 48 hours.
- e) To impose the following conditions outlined by the Environmental Health Officer -
- (A) Noise
- i) The noise levels of musical instruments and/or amplification systems shall be kept to a level which is inaudible in any neighbouring domestic property (with the windows of such properties being closed) during the following hours:
- a) Mondays to Saturdays – between 23.00 and 07.30 the following morning.
- b) Sundays – between 22.30 and 07.30 Monday morning.

On all other occasions, the level of noise over any five minute period as measured using the parameter L_{Aeq} outside any residential property in the locality shall not exceed 5dB(A) above the background noise level.

For the purpose of this condition, the background level shall be measured using the parameter L_{A90} , as defined in the British Standard 4141; 1997. In addition, any measurement to establish the sound level in $L_{Aeq, 5 \text{ minutes}}$ shall also follow the guidance contained in the standard.

- ii) To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during the entertainment.
- iii) Should Gwynedd Council obtain evidence following the publication of this licence that noise condition 1 is not being adhered to, the premises owner shall carry out the following -
- Carry out necessary noise insulation / abatement works to ensure that the noise condition is achieved; and / or
 - Install a noise control device in the room(s) where entertainment is held. The device will be established so as to cut the electricity supply of any amplification system or to withstand an increase in the noise level above what has been established as the permitted maximum (see (iv) above).
- iv) Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.
- v) The lobby doors at the premises shall be kept closed except for access and egress. Door staff shall supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
- vi) The disposal of waste bottles and cans into containers outside of the building subject to the licence is prohibited between 22.00 – 08.00. Empty bottles shall be stored in a lidded skip / bin within the curtilage of the premises.
- vii) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the

need to refrain from shouting.

(B) Lighting

i) Internal and external lighting provided for the purpose of customer and staff safety, and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.

ii) Lighting associated with activities of entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.

iii) Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity so as not to cause nuisance to neighbouring or adjoining properties.

(C) Nuisance Odours

i) Nuisance odours from licensed premises shall not cause a nuisance to nearby properties. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

2. APPLICATION TO REVIEW PREMISES LICENCE - HOLE IN THE WALL, CAERNARFON

Applicant: Sergeant Stephen Williams (North Wales Police)

Others representing the Police: Constable Andrew Jackson and Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Representing Hole in the Wall: Mr Darren Jones (Licensee), Mr Howard Mitchell (Temporary Designated Premises Supervisor), Mr Peter Ashcroft (Solicitor on behalf of Admiral Taverns Ltd), Mr Harvey Nurse (Business Manager – Admiral Taverns Ltd) and Mr Keith Whitcroft.

Submitted – the report of the Licensing Manager providing details of the application submitted by North Wales Police to review the licence of Hole in the Wall, Caernarfon. They were asking the Licensing Authority to impose a condition on the licence specifically regarding CCTV and also to reduce the hours of the licensed activities along with the hours when the premises was open to the public by half an hour every day. The Fire and Rescue Service did not object to the application and the Trading Standards Section did not have any observations.

In considering the application, the following procedure was followed:-

- i. The Applicant was invited to expand on the application;
- ii. Members of the Sub-committee were given an opportunity to ask questions of the applicant;
- iii. The licensee, or his representative, was invited to respond to the observations;
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licensee;
- v. The Applicant and licensee, or his representative, were given an opportunity to summarise their case.

Representing the police, Sergeant Stephen Williams informed the sub-committee that the review had been requested originally following incidents that had taken place at the premises in 2009 and up to June 2010. However, the former designated premises supervisor had left in July 2010. He drew attention to the fact that on 12 August 2010, when undertaking licensing visits in the town and following discussions with the Council's Licensing Section, the premises had to be closed for approximately 24 hours because no new designated premises supervisor had been appointed for the premises. Later on, Mr Howard Mitchell, the designated premises supervisor of the Albert Inn, Caernarfon, had been appointed as a temporary designated premises supervisor for these premises. As a result of this appointment, the premises ran without difficulties and no complaints had been received from the public or the residents of nearby housing. He noted that Mr Darren Jones had been appointed as the licensee. He asked for the conditions referred to in the report to be included on the licence, namely that CCTV be provided and that the hours for licensed activities, along with the hours when the establishment was open to the public, to be reduced by half an hour every day.

The Company's Business Manager replied on behalf of the licensee to some of the points raised namely -

- That he was very dissatisfied with the activities that had taken place in the premises when the former designated premises supervisor was there and that he had been unaware of many of the difficulties that the police had experienced in relation to the premises.
- That Mr Darren Jones, a local person, had been appointed as licensee in anticipation that he would be promoted to designated premises supervisor for the premises in the future.
- That CCTV had already been installed in the premises.
- That he was unwilling to reduce the opening hours by half an hour every day as it was important to obtain the normal trading hours in order for the business to be viable. He agreed to accept the conditions regarding the provision of CCTV.

In relation to a member's question regarding reducing the opening hours by half an hour every day, Sergeant Stephen Williams informed the members further that this condition was requested because the licensee did not have experience of running an establishment of this type and in light of the incidents that had taken place in the premises over the past year, this would give him an opportunity to bring the premises back into order.

The licensee, the temporary designated premises supervisor and his solicitor, the company's business manager, the representatives of the Police, the Licensing Manager all withdrew from the meeting and the application was discussed by Sub-committee members. Consideration was given to all evidence submitted, and particular attention was given to the principles of the act, namely:

- Prevention of Crime and Disorder – the police had submitted evidence of an incident of crime and disorder and also the failure to present CCTV footage to assist with their investigations. However, since the appointment of the new premises supervisor, the sub-committee noted that the problems had ceased and that there had not been any further complaints or incidents. It was noted also that the CCTV had been installed as required by the police.
- Public Safety – no relevant evidence was presented in relation to this licensing objective.
- Prevention of Public Nuisance – the police had submitted evidence of incidents at the premises which had caused nuisance to nearby residents, including loud music and noise from customers. However, there had not been any problems since the new premises supervisor had been appointed.

- Protection of Children from Harm – there was no evidence regarding this licensing objective.

The members were of the opinion that the opening hours of the premises should not be reduced by half an hour every day because the new licensee should be given an opportunity to prove that he was able to run the business without difficulties. Consideration was given to the fact that there had been no evidence of problems at the premises whilst under new management. Nevertheless, it was emphasised to the licensee that should an application for a review need to be considered again because of similar circumstances, that the fact that they had been given an opportunity to run the premises appropriately would be taken into account.

RESOLVED to modify the conditions of the licence by adding the following conditions -

- a) Digital CCTV coverage to monitor all areas open to the public including all entrances/exits (excluding inside the toilets).**
- b) CCTV footage to be retained for 31 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply at the time, then the relevant footage to be taken to the nearest office of that authority (Caernarfon Police Station in this case) as soon as practicable and in any case within 48 hours.**
- c) There should be sufficient cameras to ensure monitoring of all parts of the premises, other than the toilets as above, including outside where tables and chairs are placed for patrons of the premises.**
- ch) Lighting should be of sufficient brightness to identify persons attending the premises.**
- d) All equipment shall have constant time / date generation.**
- dd) The system must be capable of downloading / copying all the stored CCTV footage to another medium, i.e. can be played back via a Windows based computer. There shall be sufficient members of staff working who are available during the hours of operation to be able to download evidence at the request of the police or an authorised or responsible authority.**
- e) The CCTV system should be maintained and checked regularly (every 12 months) with the installing company and be able to produce a letter of compliance. Should there be a system malfunction the DPS or PLH must immediately inform the licensing authority and arrangements for its repair must be made without delay. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation. Any breach of this can also be viewed as a serious breach of this condition. An authorised officer may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.**
- f) That the hours for licensed activities, together with the hours when the premises is open to the public, are not to be reduced by half an hour.**
- fF) Ensure the existing schedule is adhered to and that management are fully aware of their role and responsibilities to the community.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

The meeting commenced at 12.00pm and concluded at 2.15pm.