
CENTRAL LICENSING SUB-COMMITTEE, 18.01.11

Present: Councillor Gwilym Williams (Chairman)
Councillors W. Tudor Owen, W. Gareth Roberts

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

1. APPLICATION FOR A PREMISES LICENCE – CREPERIE CAFE, 19 HOLYHEAD ROAD, UPPER BANGOR, BANGOR

Others invited to the meeting:

Local Member: Councillor June Marshall

Apology: Councillor Ieuan Roberts

RESOLVED to postpone considering the application until a later date (to be decided) because the applicant was not present at the meeting.

2. APPLICATION TO VARY PREMISES LICENCE – BRYN MÔR HOTEL, DINAS DINLLE, CAERNARFON

Representing Bryn Môr Hotel, Dinas Dinlle, Caernarfon: Mr Ram Ananthraman (Applicant) and Mr Stephen Connor (Friend)

Representing the Police: Inspector E.W. Jones and Sergeant Stephen Williams

Representing the objectors: Mr K. Wilson and Mrs C. Ellis

Submitted – the report of the Licensing Manager providing details of the application on behalf of Bryn Môr Hotel, Dinas Dinlle, Caernarfon to vary the premises licence to permit live music and the provision to make music between 18.00 and 23.00 every day; recorded music between 10.00 and 23.00 every day; provision for dancing between 20.00 and 23.00 every day and the supply of alcohol between 10.00 and 23.30 every day with the premises open to the public between 07.00 and 00.00 every day of the week.

It was reported that, following the appropriate consultation period, neither the Police nor the Environmental Health Department had objections to the application, subject to conditions. The Fire and Rescue Service, the Trading Standards Department or the Planning Service did not have any observations. Llandwrog Community Council objected to the application and letters had been received from some of the neighbouring 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 applicant noted that he had lived in the premises for approximately six years. He noted that it was not his intention to hold licensed entertainment at the premises all the time but, rather, he anticipated approximately 10 to 12 events a year. He was unwilling to accept the allegations made in the objectors' letters and that a large number of respectable people stayed at the premises. He confirmed that the premises were not used as a public house and he did not permit loud music to come from the premises. He was willing to accept the conditions recommended by the Police and the Environmental Health Section. He acknowledged that there had been difficulties on one evening last year, namely 26 June 2010, when a karaoke evening had been held at the premises. He apologised for the incident and he confirmed that similar difficulties would not arise again.

The consultees were invited to support any observations submitted by letter and Sergeant Stephen Williams reported that a letter had been sent to the applicant last year in relation to the incident on 26 June 2010 outside the premises and that the problem had been dealt with through a "Stage 1" meeting. Lack of control had been a problem that evening and he suggested that someone with a licensing background should be present in the absence of the Designated Premises Supervisor i.e. the owner. However, he had no objection to the application but suggested that conditions should be imposed on the licence as noted in his letter.

He confirmed that the premises was not a "bail hostel" as claimed but, rather, that homeless people, amongst others, stayed there from time to time and that some of those were homeless as they had been released from prison.

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

- That there was no justification for varying the licence as he claimed that the premises would be used as a hostel for people on bail and for visitors also.
- That they lived next door to the premises in question and had to cope with the noise and antisocial behaviour emanating from there.
- That the premises are used by people with mental health problems and drugs and alcohol problems.
- That a lot of burglary had occurred in the area recently and mainly since the premises received people on bail.
- That the antisocial behaviour associated with the premises affected her business and other people living in the village.
- Problems with noise when karaoke evenings were held at the premises.

The applicant, the Licensing Manager, police representatives and objectors left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving appropriate attention to the principles of the act, namely -

- Prevention of Crime and Disorder – the concerns of neighbours in relation to some of the people staying at the premises and the allegations made about them were taken into consideration. However, the sub-committee was required to consider matters which were relevant to licensing only and to do so on the basis of evidence. An important consideration was the fact that the police had no objection to the application should conditions be added to the licence.
- Public Safety - no relevant evidence was presented in relation to this licensing objective.
- Prevention of Public Nuisance – the sub-committee acknowledged the complaints and concerns of neighbours in relation to the impact of noise emanating from the premises and outside it and consideration was given to the specific incident in June 2010. Once again, consideration was given to the fact that the police did not object to the application. Another important consideration was that the Environmental Health Section had no objection should conditions be added to the licence to prevent noise from escaping from the premises and affecting the neighbours.
- Protection of Children from Harm – no relevant evidence was presented in relation to this licensing objective.

RESOLVED to approve the variation to the licence of Bryn Môr Hotel, Dinas Dinlle, Caernarfon, as follows -

- a) To permit live music under paragraph E from 18.00 to 22.00 Monday to Sunday.
- b) To permit recorded music under paragraph F from 10.00 to 22.00 Monday to Sunday.
- c) To permit provision for making music under paragraph I from 18.00 to 22.00 Monday to Sunday.
- ch) To permit provision for dancing under paragraph J from 20.00 to 22.00 Monday to Sunday.
- d) To permit the sale of alcohol (to be consumed at the premises) under paragraph M from 10.00 to 23.00 Monday to Sunday.
- dd) To permit the premises to be open to the public under paragraph O from 07.00 to 23.30 Monday to Sunday.
- e) No drinks to be carried out of the premises.
- f) That a personal licence holder is present at the premises at all times during the opening hours when licensed activities are held there in the absence of the Designated Premises Supervisor.
- ff) To impose the following conditions outlined by the police -
 - i) A CCTV system will be installed and will work to the satisfaction of the Police and Local Authority monitoring both the interior and exterior of the premises.
 - ii) Lighting in the location must be of sufficient brightness and quality to identify persons within the location.
 - iii) The CCTV system will record images and retain the images for 31 days.
 - iv) There must be sufficient members of staff trained and available to download evidence at the request of the Police or an authorised officer.
 - v) The CCTV system will be maintained by the installing company, or DPS/PLH will ensure maintenance of CCTV system by approved company.
 - vi) In the event of a system malfunction, the DPS or PLH must immediately notify the licensing authority and police licensing department. Arrangements for its repair must be made without delay. Once rectified, the relevant departments must again be notified when the system is again operational.
 - vii) An authorised officer can at any time request a recording from the CCTV system. Failure to comply with this request will be regarded as a serious breach of this condition.
 - viii) CCTV warning signs shall be fitted in public areas of premises.
 - ix) Recordings of incidents must be made secure for inspection by police.

- x) **Unauthorised persons should not be allowed to access the system or view personal data.**
- xi) **The premises will be a member of Pubwatch and a representative will attend Pubwatch meetings in all initiatives. All directives issued by the Pubwatch scheme will be adhered to including complying with Banning Orders issued against any individual.**
- g) **To impose the following conditions outlined by the Environmental Health Officer -**
- i) **The internal LAeq 15min sound level and the LAeq 15min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwellings open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of this condition, LAeq is as defined in BS4142:1997.**
- ii) **To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during regulated 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) below).**
- iv) **Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.**

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

The meeting commenced at 11.15am and concluded at 2.30pm.