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## CENTRAL LICENSING SUB-COMMITTEE, 25.05.11

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**Present:** Councillor Evie Morgan Jones (Chairman)  
Councillors Ieuan Roberts, W. Gareth Roberts

**Also present:** Iwan Evans (Legal Services Manager), Amlyn Ab Iorwerth (Licensing Manager), Euron Thomas (Senior Environmental Health Officer – Pollution) Gwyn Parry Williams (Committee Officer).

### **1. APPLICATION FOR A PREMISES LICENCE – HARBOUR HOTEL, LÔN ENGAN, ABERSOCH, PWLLHELI**

#### **Others invited to the meeting:**

**Representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales Police) and Constable Andrew Vowell

**Representing the objectors:** Mrs Yvonne Lloyd Jones

**Local Member:** Councillor R.H. Wyn Williams

Submitted – the report of the Licensing Manager, providing details of the application on behalf of the Harbour Hotel, Lôn Engan, Abersoch, Pwllheli, for a premises licence to permit the provision of live and recorded music, dance and sale of alcohol between 11.00 and 00.30 every day of the week, with the premises open to the public between 08.00 and 01.00 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 Council's Trading Standards Department had no observations to offer on the application. Letters had been received by the local member and Llanengan Community Council giving observations on the application and letters from nearby residents objecting the application. It was noted that three of the objectors had apologised since they could not attend the hearing.

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

The applicant was not present at the meeting, and following legal advice from the Legal Services Manager, the members agreed to consider the application in the applicant's absence.

The consultees were invited to support any observations submitted by letter and Mr Ian Williams, Police Licensing Co-ordinator, reported that the license granted in 2009 had ceased in December 2010 and a meeting had been held with the applicant where the hours requested had been discussed as had the conditions recommended by the police. He noted that the applicant agreed with the conditions. Consequently, the Police had no objections to the application.

The Senior Environmental Health Officer – Pollution reported that he had concerns regarding noise emanating from the premises due to the proposed entertainment and he recommended that conditions should be imposed on the licence to address such matters. He accepted that further explanation was needed regarding the proposed condition in relation to closing the windows and doors. He also accepted that opening doors for access would create an element of noise that would be difficult to manage on a practical level. However, he agreed that a condition in relation to opening and closing external doors and windows in the entertainment rooms would be acceptable. He stated that he had sent a copy of the conditions to the applicant regarding his comments but no response had been received by him. The Legal Services Manager suggested that condition 3(a) should not be imposed on the licence, namely; *“should Gwynedd Council receive evidence, following the issuing of this licence, of nonconformity with condition 1, the proprietor of the premises will undertake any insulation / noise prevention work in order to ensure that the premises conforms to condition 1”*.

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

- That problems had been experienced at the premises for some time and that it had not been used as a hotel for approximately 3 to 4 years
- That the applicant did not live on site
- There was currently no Designated Premises Supervisor for the premises
- That the premises had deteriorated recently and a fire incident had taken place in the car park
- That noise from the premises would affect the amenities of nearby residents and that noise monitoring equipment should be installed within the building
- That it is proposed to place a gazebo on the patio by the French doors to the front of the building and that the noise emanating from there would disturb the residents of nearby dwellings
- That the roof of the property was in poor condition resulting in water streaming down the internal walls

The relevant parties left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving specific attention to the principles of the act, namely:

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

**RESOLVED to approve the premises licence for the Harbour Hotel, Lôn Engan, Abersoch, Pwllheli as follows -**

**a) To approve live music (paragraph E); recorded music (paragraph F); facilities for dancing (paragraph J) and supply of alcohol (paragraph M) between 11.00 and 00.30 every day of the week.**

**b) The property to be open to the public (paragraph O) between 08.00 and 01.00 every day of the week**

**c) A CCTV system will be installed in locations to be agreed on with the Police, will be**

operational when the property is open for licensed use and will work to such a standard that the Police and Local Authority can monitor both the interior and exterior of the premises. Recordings should be retained in a non-edited format for a period of at least 31 days and should be available at the request of the Police or local authority.

d) The premises will be a member of Pubwatch and a representative will attend Pubwatch meetings and participate in all Pubwatch initiatives. The premises will adhere to all directives issued by the Pubwatch scheme, including compliance with Banning Orders issued against any individual.

e) That Door Supervisors registered with the Security Industry Authority (SIA) are on duty on every occasion when live music and dancing is held at the premises.

f) The Designated Premises Supervisor will keep a register that is recognised by the Police and Local Authority of all door staff employed at the premises. The register will include details of the start and finish times of the work, the name and SIA licence number of the person employed (including the name of the company that employs them, if relevant). The register to be kept on the premises, on a permanent basis, for inspection by the Police or Local Authority on request. After completing the register, it will be kept at the premises for at least a year from the completion date, and for the duration of that period, it will be available for inspection by the Police or Local Authority.

g) Plastic glasses to be used after 20.00 in the bar located on the lowest floor of the property.

h) Noticeable, plain and clear posters to be placed by each entrance requesting customers to respect the needs of local residents and to leave the premises and area quietly.

i) The premises will operate a "Challenge 21 Scheme" which means that any person who appears to be under the age of 21 will be required to display an acknowledged ID document.

j) To impose the following conditions outlined by the Senior Environmental Health Officer – Pollution –

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 licensed premises, the external doors and windows of the entertainment room shall be kept closed during entertainment. External access shall not be allowed where the entertainment is held except during a fire emergency.

iii) 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.

iv) Any noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.

v) The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22.00 and 08.00. Empty bottles shall be stored in a lidded skip / bin within the curtilage of the premises.

vi) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.

vii) The premises' personal licence holder, designated premises supervisor and door supervisor shall monitor the behaviour of persons leaving the premises and remind them of their public responsibilities where necessary.

**viii) Nuisance odours from licensed premises shall not cause a nuisance to nearby properties.**

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

The meeting commenced at 2.00pm and concluded at 3.45pm.