
CENTRAL LICENSING SUB-COMMITTEE, 14.03.12

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Louise Hughes and Dewi Llewelyn

Also present: Geraint B. Edwards (Solicitor), Amlyn ab Iorwerth (Licensing Manager), Heilyn Williams (Licensing Officer), Alun Evans (Public Protection Manager), Ffion Muscroft (Environmental Health Officer) and Gwyn Parry Williams (Committee Officer).

1. APPLICATION TO REVIEW PREMISES LICENCE – PLAS GWYNFRYN, LLANBEDR

Others invited to the Meeting:

Applicant: Ms Ffion Muscroft, Environmental Health Officer, Gwynedd Council

Others representing the Council: Mr Alun Evans, Public Protection Manager

Representing Plas Gwynfryn: Ms Caroline Evans and Mr Michael Roberts

Representing the objectors: Mr Michael Scott

Submitted – the report of the Licensing Manager providing details of the application from Gwynedd Council's Public Protection Service to review the premises licence for Plas Gwynfryn, Llanbedr. The application was submitted because of complaints of noise from amplified music causing an alleged nuisance to nearby residents during times of entertainment outside and within the marquee on the premises. The application is made in relation to the licensing objective of preventing public nuisance.

It was reported, following the appropriate consultation period, that no observations had been received from the Police or Snowdonia National Park, although some objections were received from residents of nearby houses.

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.

On behalf of the Public Protection Department, the Environmental Health Officer advised that complaints had been received about amplified noise from the marquee. During the summer of 2011 the service received further complaints, and following this work was undertaken to monitor the sound on two occasions, the first in June, and then in August 2011. When the sound was

monitored in June, the bass beat was audible in a neighbouring property. When the noise was monitored again in August 2011 the noise of music was audible. The officer was of the opinion that the owner of Plas Gwynfryn had made no attempt to decrease the noise levels, and that she needed to employ noise mitigation measures to decrease the noise from the marquee. The officer suggested that playing amplified music from the marquee should be stopped.

In response to a question by a member regarding the number of events held in the marquee, the Public Protection Manager replied that the number varied. The licensee confirmed that six events had been held during 2010 and five events had been held during 2011.

The licence holder responded to some of the observations made as follows-

- Many of the events finished half an hour before the time permitted by the licence which demonstrated an effort to respond to the concerns of the residents of nearby houses.
- Precise details had not been received from the Environmental Health Department noting acceptable noise levels.
- Two of the events involved live band entertainment, while a DJ provided the entertainment in the other events.
- Further guidance had been requested from the Environmental Health Department.
- The majority of nearby residents supported their events and letters had been received confirming this.
- Local people were employed.
- A request had been made to continue holding events in the marquee, but with a noise monitor to be installed.

The Chairman asked the licensee whether she had submitted the letters of support for consideration by the Council's Licensing Department. In response, she stated that she had not done so.

As this was new evidence in support of the licensee and that sub-committee members had not seen the letters, the Solicitor expressed that it was a matter for sub-committee members to decide whether or not to accept the additional evidence, if the various parties were content with this. Following a break the Chair announced that the licensee could submit the letters of support, provided that the various parties present were in agreement. The various parties had no objection to receiving these letters.

One of the local residents present took advantage of the opportunity to reiterate the observations noted in letters, and specifically referred to the following points –

- He lived around 200 yards from the premises, in a quiet valley, and the noise from the activities held in the marquee disturbed the peace.
- Since the first event was held in the marquee following the granting of the licence in 2009, the situation regarding the noise of loud music had not improved.
- The noise affected his amenities, and especially his young children, and he was considering moving from the area if the events in the marquee were to continue.

The Public Protection Manager stated that the application had not changed. A discussion was held with the licensee on aspects relating to noise when the application was submitted in 2009, when concern was expressed that playing amplified music in the marquee might potentially cause a nuisance, but she was given an opportunity to establish her business. Regarding setting noise levels, it was originally suggested to include this, but it was not included as part of the licence. At the time the licensee had no means of establishing the noise level as she did not have the necessary equipment. Since then she had been encouraged to revisit the issue and also to play the amplified music inside the building instead of outside. It is understood that this was incompatible with the business. He was of the view that the licensee could do very little to prevent the noise from the marquee in the garden from creating a nuisance to local residents.

He noted that it would be possible to install acoustic drapes in the marquee, although it would remain difficult to control the noise level there.

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

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

RESOLVED to approve the application to review, and not to allow the playing of amplified music in the marquee which means the removal of the element in the licence involving playing live and recorded music outside.

The Solicitor 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 receiving that letter.

2. APPLICATION TO VARY PREMISES LICENCE – CO-OP, 14 MAES TALARRAN, DOLGELLAU

(The Chairman noted that he was Vice-chairman of the Meirionnydd Access Group and that Councillor Delwyn Evans was Chairman of that Group, and that up until 2008 he was a member of Dolgellau Town Council, and so he knew Councillor Evans well. He had brought this fact to the attention of the Legal Unit, and had asked the various parties whether they were of the view that this would be likely to affect the hearing. They were of the opinion that this would not affect the hearing.)

Others invited to the Meeting:

Representing Co-op, Dolgellau: Craig Jones and Wayne Stretch Esq.

Representing the Police: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Representing Dolgellau Town Council: Councillor Delwyn Evans

Submitted - the Licensing Manager's report detailing the application by the Co-op shop, 14 Maes Talarran, Dolgellau to extend the current opening hours to between 06.00 and 23.00 Monday to Friday and between 10.00 and 22.30 on Sunday.

It was reported that, following the appropriate consultation period, observations were received from the Police and Dolgellau Town Council objecting to the application. Snowdonia National Park, the Public Protection Service and the Fire and Rescue Service had no observations on 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 The 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 were given an opportunity to summarise their case.

In supporting the application, the representative of the company who submitted the original application to extend the opening hours to between 06.00 and 23.00 Monday to Friday and between 10.00 and 22.30 on Sunday explained that this was the company's policy for their shops throughout Britain. However, there was no need for the shop in Dolgellau to open at 06.00 as there was no demand, so the request was amended to open between 07.00 and 23.00 Monday to Friday and between 10.00 and 22.30 on Sunday.

The consultees were invited to support any observations submitted by letter and Mr Ian Williams, Police Licensing Co-ordinator, reported that the local police had concerns regarding the hours requested in the original application, as there were under-age drinking problems in the vicinity of the former bowling green and the leisure centre near the premises. However, there was no evidence linked specifically to these premises to oppose the application or any suggestion that alcohol had been bought from there by under-age drinkers. He welcomed revising the application to open the premises at 07.00.

With regard to the reference to CCTV in the application, he noted that the CCTV images should be retained for at least 31 days, and not for 21 days as was noted in the application. In response, the representative on behalf of the company said that he had received confirmation from the shop that the current CCTV system retained the images for 28 days and the Police Licensing Co-ordinator stated that he was happy with this.

Dolgellau Town Council was represented by Councillor Delwyn Evans, who noted that the Town Council objected to opening the premises at 06.00, but did not object to opening at 07.00.

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

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

RESOLVED to approve varying the premises licence for the Co-op shop, 14 Maes Talarran, Dolgellau as follows –

- b) To permit the premises to be open to the public (paragraph O) as follows -**
 - **Monday to Saturday – between 07.00 and 23.00**
 - **Sunday - between 10.00 and 22.30 (as in the existing licence)**
- b) That the CCTV system images will be retained for 28 days.**

The Solicitor 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 receiving that letter.

The meeting commenced at 11.00am and concluded at 12.45pm.