

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	5 JUNE 2013
TITLE:	APPLICATION FOR REVIEW OF PREMISES LICENCE – REHAB, STATION SQUARE, PWLLHELI
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

APPLICATION

An application from Inspector Mark Armstrong, North Wales Police is appended to review the premises licence of Rehab, Station Square, Pwllheli, Gwynedd LL53 5HG. The application to review the licence is made following the premises' failure on three occasions in alcohol test purchases during the test purchases campaigns held by North Wales Police between May and October 2012.

Also, during this period, the Police received several complaints from members of the public of loud music late at night. The application is made due to evidence that the following licensing objectives have been compromised –

- Protection of children from harm
- Preventing public nuisance

PROTECTION OF CHILDREN FROM HARM

It is noted that girls aged 15 and 16 years old had succeeded to purchase alcohol on the premises on three consecutive occasions between May and October 2012 as part of the Police's test purchase campaign. On the three occasions, the individuals were not asked for their age or for proof of age by means of an ID card.

In accordance with the Police's enforcement policy, following the first test purchase failure, a 'stage 2' meeting was held with the licence holder when action points were agreed upon.

Seven weeks later, the premises failed another test purchase, and as this was the second occasion within three months, the licence holder agreed to accept a Notice of Closure from the Police, and, consequently, the premises were closed for 72 hours on 16 August.

On 6 October 2012, once again alcohol was sold to an underage person during a test purchase campaign.

On 12 February 2013 the licence holder appeared before the Magistrates' Court in Caernarfon where he was found guilty of consistently selling alcohol to people under the age of 18. He received a conditional discharge for 12 months and was ordered to pay £85 in costs and £15 in victim's surcharge.

PREVENTION OF PUBLIC NUISANCE

It is noted in the Police's evidence that six calls had been received from members of the public between May 2012 and March 2013 due to loud music late at night.

Music is permitted on the premises until 01:00 daily with a closing time of 02:00 daily.

Every complaint of noise received by the Police referred to loud music after the hours permitted on the licence – between 01:08 and one complaint as late as 05:11.

POLICE RECOMMENDATION

The Police requests that the Sub-committee considers using its powers to suspend the premises licence for a period of no longer than three months due to the licence holder's failure, time after time, to put measures in place to safeguard children from harm due to the consistent occasions of selling alcohol to individuals under 18 years old. It is suggested that suspending the licence for six weeks would be an adequate period.

CONSULTATIONS

The application was consulted upon and the responses received were as follows –

RESPONSES	OBSERVATIONS
Local member	No observations
Community/Town Council	No observations
Neighbouring residents	Letter - comments in support of the review
Fire and Rescue Service	No observations
Public Protection Officer, Gwynedd Council	Letter and report – supporting the review.

See enclosed full details of the observations received.

COMMENTS OF NEIGHBOURING RESIDENT

Reference is made to continual problems which have affected the complainant regularly since 2009. Complaints are made of loud music and antisocial behaviour. It is noted that the premises' customers are allowed to drink on the street despite the location being a Designated Public Location where the consumption of alcohol is not permitted. It is noted that the complainant has brought his complaint to the Council's Public Protection Department.

OBSERVATIONS OF PUBLIC PROTECTION OFFICER

Evidence is submitted of continual noise problems as a result of loud music late at night which supports the comments of the Police.

Incidents of noise problems reported between July 2012 to date are elaborated upon. It is noted that a Council public protection officer, licensing officer and the Police had held discussions during this period with the licence holder to try to resolve the noise problems. Evidence was collected through noise monitoring equipment and the neighbouring resident was advised to keep a record of the occasions when the noise was loud late at night. Despite several discussions and an agreement with the licence holder to reduce the noise to a level agreed to be acceptable, it is noted that the noise problems continue to the present day.

The Police's application to suspend the licence for a period is supported.

RECOMMENDATION

The Committee is asked to consider the application in accordance with the evidence submitted by the Police, a neighbouring resident and the Public Protection Department and in accordance with the requirements of the Licensing Act 2003.