
CENTRAL LICENSING SUB COMMITTEE 14/07/23

Present:

Councillors: Elfed Williams (Chair), Gareth Morris Jones and Huw Rowlands

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager), Lyndsey Thomas (Licensing Officer) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEM - OBJECTION TO TEMPORARY EVENT APPLICATIONS - BEECHWOOD HOUSE, DOLGELLAU

Others invited:

- Mr Dean Hawkins - Applicant
- Elizabeth Williams (Licensing Officer, North Wales Police)
- Mared Llwyd (Pollution Control Team Leader)

The Chair welcomed everyone to the meeting.

a) **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a temporary event at Beechwood House, Dolgellau, Gwynedd, in relation to licensed activities indoors and outdoors.

Application 1 - Temporary Event Notice to hold extended licensed activities to what is currently on the licence as part of the activities of Sesiwn Fawr Dolgellau 21, 22 and 23 July.

Application 2 - Temporary Event Notice for music outside and external bar on the Marian Mawr, Dolgellau as part of the activities of Hwyl yr Haf Dolgellau, 19 August

It was reported that an objection had been received to both applications from the Environmental Health Service, with comments also supporting concerns received from the Police. It was explained that it was only the Council (fulfilling its Environmental Health responsibilities) and the Police who have the power to object any temporary events notice. There is no public consultation procedure for the temporary events system.

The Licensing Authority recommended to refuse the application as the applicant had not presented any information that would mitigate the Council and the Police's concerns regarding both events. It was highlighted that, since publishing the report, a poster had appeared on social media platforms regarding the nature of the event if the temporary event notice was approved. The poster highlighted clearly that the timetable was related to Sesiwn Fawr Dolgellau.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant, or his representative to ask questions to the Council's representative.
 - The applicant and / or his representative were invited to expand on the application and to call witnesses
 - Members of the Sub-committee were given the opportunity to ask questions of the applicant and/or his representative
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his representative
 - Every Consultee was invited to support any written representations.
 - The Council's representative and the applicant or his representative were given the opportunity to summarise their case.
- c) Elaborating on the application, the applicant noted:
- That the property was not included in the activities of Sesiwn Fawr Dolgellau - it was hard not to take this personally
 - That they were trying to make a profit following Covid 19 - saw an opportunity to take advantage of the event
 - That other locations in the town were playing loud music, therefore why wasn't it possible to do this at Beechwood House?
 - That he had held discussions with the Council and the organisers of Sesiwn Fawr Dolgellau regarding closing the road, but there was no solution
 - That thousands attend the town and that all roads should be closed
 - That everyone was allowed to take part except for Beechwood House

In response to a question as to why information had not been submitted to the Environmental Officer, it was noted that he didn't have the contact details and that he was keeping a personal record of the noise levels and complaints so he could connect the evidence with an event in the property.

In response to a question regarding the 'external area', it was noted that there was no area outside the property (no garden or external area to sit) and therefore there was only room to stand outside when music was being played. Windows and doors would stay open.

In response to a question about the foam cannon, it was noted, as the road was not being closed, there wouldn't be further use of the foam cannon.

In response to a question regarding how he would manage the activities, he noted that he would pay for two security guards to guard the doors between 6pm and closing time on the Friday and Saturday night as well as employ 5 members of staff to monitor the activities/behaviour. It was added that the property was located opposite the Police location for the event.

In response to a question regarding how he would meet the concerns of managing noise and people, he noted that this would depend on the number of people that would attend. He added that additional staff would be available to manage and monitor the situation, but it would be difficult to stop people from standing outside. The situation would need to be managed with the support of staff, security guards and the Police.

- d) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them.

Elizabeth Williams (North Wales Police)

- That concerns regarding road users and customers near the property had been highlighted
- No additional resources would be available from the Police to keep an eye on the property - controlling the crowd was not the work of the Police
- It was the licence holder's responsibility to look after his customers
- That every property was responsible for paying for Security services.

Mared Llwyd (Pollution Control Team Leader)

- That several complaints regarding the premises, based on loud music, had been received over the last few months
- That noise levels (per date and time) had been recorded through a noise app. Minutes in the form of a log and diary had also been received
- Customers, who convene outside the property, would cause a barrier and disturbance for others passing
- That a condition of closing doors and windows during an event was already on the premises licence. It was accepted that operating this would be difficult in hot weather, but that it would be possible to install an air-con system inside the property.
- Contact with the applicant had been done over the phone, letters and e-mails noting the complaints and trying to gain an understanding of the situation. A proposal had been made to collaborate to avoid public nuisance
- Measures were needed in place - accepted the applicant's desire to develop the business but the public needed protecting
- The applicant had not provided noise mitigation measures
- That the Sesiwn Fawr Dolgellau event finishes at 8pm in the street with indoor activities continuing in the Ship. That the application for music until 1am was later than every other premises in the town.

No observations had been received from the Local Member

Taking advantage of the right to summarise his case, the applicant noted;

- That he accepted that measures had not been taken to control the external area of the property
- That he was aware of the complaints - these had been exaggerated
- That noise cancelling curtains and shutters had been placed on the windows
- That they keep a log of noise levels and that they were within the legal levels.
- That he invited the officers to see what was being proposed
- The premises will close in September

Taking advantage of the right to summarise their case, the Licensing Manager noted:

- That she accepted that they needed to make a living, but not at the expense of public safety
- There was an insufficient explanation of measures to mitigate concerns
- That the condition to close windows and doors had been breached on a number of occasions
- As the situation was not improving, the next step would be to install a noise recording machine in the property to collect evidence

In the context of the background and nature of the second application, the applicant noted that this was an application to provide refreshments, and music through a speaker on the Marian Mawr field.

- e) All parties were thanked for making representations on the application.

The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form together with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Representations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED:

IN ACCORDANCE WITH THE LICENSING ACT 2003 A DECISION WAS MADE TO REFUSE THE APPLICATIONS AS THERE WAS INSUFFICIENT DETAILS AND NO SAFETY MEASURES PROPOSED BY THE APPLICANT IN RESPONSE TO THE CONCERNS OF THE COUNCIL AND THE POLICE.

Reasons:

Application 1 - Temporary Event Notice to hold extended licensed activities to what is currently on the licence as part of the activities of Sesiwn Fawr Dolgellau 21, 22 and 23 July.

The applicant's frustration that he wasn't included as part of Sesiwn Fawr Dolgellau (SFD) was noted. Despite this, the sub-committee's role was to consider the application in the context of the licensing act and specifically the four licensing objections, following an objection to the application from the Environmental Health Service and North Wales Police.

The evidence and the professional opinion of the Environmental Health Officer was considered as several complaints has been received regarding noise

deriving from the property and that two complaints were still open as well as examples of when the noise control conditions on the licence had been breached as the windows were not closed.

Evidence was received from the Police objecting based on concerns in terms of public safety outside the property where licensed activities would be held should the application be approved. Road closure measures were not in place outside the property as they were within the SFD area. The reason for closing the roads was to deal with the type of problems that would arise should the application be approved. The Police were also aware of noise nuisance complaints regarding the property in the past.

The Sub-committee was not persuaded therefore, based on the application and what was said at the hearing, that the applicant could set sufficient measures in place to mitigate the noise problems nor to warrant the safety outside the property.

Application 2 - Temporary Event Notice for music outside and external bar on the Marian Mawr, Dolgellau as part of the activities of Hwyl yr Haf Dolgellau, 19 August

The application was to install a bar and to play music in a public space. The Sub-committee was not satisfied that the application provided sufficient information on the nature of the event nor the way the applicant intended to control the event to ensure a safe event that wouldn't disturb people in the vicinity. As a result, the Sub-committee could not be satisfied from the point of view of the licensing objectives to approve the application.

The meeting commenced at 10.00 am and concluded at 11.40 am

CHAIRMAN