

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	26 January 2021
TITLE:	APPLICATION TO VARY A PREMISES LICENCE - RED LION, PORTHMADOG
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1. APPLICATION RECEIVED

- 1.1 Attached is an application to vary the premises licence of Red Lion, 13-15 New Street, Porthmadog, LL49 9ED, from an agent on behalf of Admiral Taverns, Darren Kelly. The applicant is seeking to vary the existing premises licence due to changes to the interior plans of the public house, and to include an external area as a licensed area.
- 1.2 Although the beer garden is already licensed, the application is made to extend the licensed area of the premises to include structures in the form of beach huts. The alcohol will be ordered and served via a window in the rear of the premises.
- 1.3 Officers from the Licensing Authority are satisfied that there is sufficient evidence that the application has been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations and is therefore valid.
- 1.4 One objection was received to the application from a member of the public, along with observations from the local Councillor. No objection was received from the Police, Town Council or Fire Service. Observations were also received from the Public Protection service; in relation to the use of the exterior area at night.

2. Measures recommended by the applicant to promote the licensing objectives

Measures recommended by the applicant include the following -

- In accordance with the planning application, alcohol will not be served from the window hatch after 21:00
- The beach huts will not be used after 21:00
- The CCTV system has been upgraded to include interior and exterior areas
- A zero-tolerance drug behaviour policy is upheld
- Managers and staff to be on the site to keep control of the noise level in the beer garden
- Children must be under the supervision of an adult at all times

See full details of the recommended measures in section **M** of the application.

3. CONSULTATION

The application was consulted upon and the following responses were received -

RESPONSES	REPRESENTATIONS
Members of the public / neighbouring residents	E-mail - objection
Councillor	E-mail – observations
Public Protection	E-mail – observations

3.2 Members of the public and neighbouring residents

One e-mail was received objecting to the application based on the licensing objectives of:

- Public nuisance prevention
- Public safety
- Prevention of crime and disorder

3.1 Concerns were expressed regarding anti-social matters in terms of noise, public nuisance, sanitary issues and crime and disorder. The objection was supported with relevant up-to-date evidence which included short video clips, as well as screenshots showing the time and date when the video clips were filmed.

3.2 It was noted that a recent planning Consent included a condition noting that the beach huts approved in the beer garden were not to be used by customers after 9pm.

3.3 When the premises was re-opened for customers after completing improvements; soon after on the evenings of Friday 13/11/20 and Saturday 14/11/20, the responder witnessed many customers continuing to be outside in the beer garden, and in the beach huts, being noisy and continuing to carry alcoholic drinks outside to this area from the pub until 10pm - contrary to the Planning condition.

3.3 Furthermore, on the evenings of Friday 20/11/20 and Saturday 21/11/20, as well as the following Friday and Saturday - 27/11/20 and 28/11/20, customers were seen to be carrying alcoholic drinks to the cabins in the beer garden and being noisy until after 10pm. On Thursday, 3 December, the huts in the beer garden were seen to be full, with customers being noisy until after 10pm again.

3.5 Strict covid regulations were introduced on 4 December and so the pub was not open after this. The responder presented video clips and screenshots of the time and dates to support what was witnessed.

3.6 Local Councillor

Concern about noise and public nuisance for neighbouring residents in relation to the use of the exterior garden was expressed, and it was emphasised that alcohol sales had to end at 21:00.

3.7 Public Protection

Representations were received from the Public Protection Department noting that there was no objection, provided that the alcohol sales outside and use of beach huts ceased at 21:00. It is proposed that the conditions on the original licence are transferred to the new licence, should the application be approved.

4 RECOMMENDATION

The evidence submitted from a nearby resident is a cause for concern; and it does not give much confidence in the licence holder's ability to comply, should the application be approved.

It is recommended that the Committee considers whether any additional precautions need to be imposed on the licence's conditions, if it determines to approve the application in accordance with the observations of Public Protection and the requirements of the 2003 Licensing Act.