

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>27 of October 2023</b>
<b>TITLE:</b>	<b>APPLICATION FOR PREMISES LICENCE - LLYN BACH CLUB, PORTHMADOG</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT</b>

**1 APPLICATION RECEIVED**

2 An application is attached to vary the premises licence of Llyn Bach Club, Heol yr Wyddfa, Porthmadog, LL49 9DF, from Mr John Lewis Roberts. This is primarily a members' club, which includes a bar and patio area / beer garden; with a premises licence rather than a club certificate.

2.1 The applicant is applying for permission to vary the licence to include the sale of alcohol from an outside small building in the back and to use the outside area for licensed activities when events are held and at busy times.

2.2 Permission is requested to play live and recorded music until 01:00 every day as well as dance performances, and any similar activity such as stand-up comedians. A request is made for the right to hold these licensed activities inside and outside, 7 days a week, but that regulated entertainment including music and dancing would come to an end outside at 23:00. Although there is no increase in the hours of licensable activities compared to the current licence, the applicant requests the right to hold licensable activities outside until 23:00. It is intended to allow the sale of alcohol from the hatch in the external bar until 23:30, and it is intended to close the beer garden at 12:00, asking customers to move inside the building.

2.3 The applicant is requesting permission for a comedian to perform inside as well as outside until 01:00, although the applicant states in part M of the application that the outside area would be closed at 00:00.

2.4 The club is currently used by members only; but it is operated under a premises Licence rather than a Club licence, therefore customers that are non-members are also welcomed when occasional activities are held.

2.5 The officers of 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.

2.6 Representations have been received on the application and, therefore, it has been referred to a hearing of this Sub-committee for a decision.

See the attached table for details of the proposed hours:

<b>Current Premises Licence</b>	<b>Proposed Licence</b>
<b>Opening Hours</b>	
Sunday 09:00- 02:30	Sunday 09:00- 02:30
Monday 09:00- 02:30	Monday 09:00- 02:30
Tuesday 09:00- 02:30	Tuesday 09:00- 02:30
Wednesday 09:00- 02:30	Wednesday 09:00- 02:30
Thursday 09:00- 02:30	Thursday 09:00- 02:30
Friday 09:00- 02:30	Friday 09:00- 02:30
Saturday 09:00-02:30	Saturday 09:00-02:30

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<b>Licensable Activities</b>	
<p><b>Supply of Alcohol: Both on and off the Premises</b>            Sunday 09:00- 02:00            Monday 09:00- 02:00            Tuesday 09:00- 02:00            Wednesday 09:00- 02:00            Thursday 09:00- 02:00            Friday 09:00- 02:00            Saturday 09:00-02:00</p>	<p><b>Supply of Alcohol: Both on and off the Premises</b>            Sunday 09:00- 02:00            Monday 09:00- 02:00            Tuesday 09:00- 02:00            Wednesday 09:00- 02:00            Thursday 09:00- 02:00            Friday 09:00- 02:00            Saturday 09:00-02:00</p> <p><b>The bar outside will close at 23:00</b></p>
<p><b>Live Music: Indoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p>	<p><b>Live Music: Indoors and Outdoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p> <p><b>Music outside to finish no later than 23:00 when events take place</b></p>
<p><b>Recorded Music: Indoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p>	<p><b>Recorded Music: Indoors and Outdoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p> <p><b>Music outside to finish no later than 23:00 when events take place</b></p>
<p><b>Performance of Dance: Indoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p>	<p><b>Performance of Dance: Indoors and Outdoors</b>            Sunday 09:00-01:00            Monday 09:00-01:00            Tuesday 09:00-01:00            Wednesday 09:00-01:00            Thursday 09:00 - 01:00            Friday 09:00 - 01:00            Saturday 09:00-01:00</p> <p><b>Dancing outside will come to an end no later than 23:00 when events take place</b></p>

<p><b>Anything similar to what has been included within (e), (F) or (G)</b></p>	<p><b>Anything similar to what has been included within (e), (F) or (G): Indoors and Outdoors</b>  Sunday 09:00-01:00  Monday 09:00-01:00  Tuesday 09:00-01:00  Wednesday 09:00-01:00  Thursday 09:00 - 01:00  Friday 09:00 - 01:00  Saturday 09:00-01:00</p> <p><b>Comedians</b></p>

**3 Measures recommended by the applicant to promote the licensing objectives**

The measures recommended by the applicant in the application's operating schedule include the following -

- Staff training on licensing legislation
- Zero drug tolerance
- Plastic glasses only to be used outside
- Measures to prevent crime and disorder, to ensure public safety and the safety of children and vulnerable adults
- Collaborate with the Police and other agencies
- Carry out age verification processes and ensure comprehensive training for staff on age verification processes
- Children under 16 will not be allowed to stay at the premises after 19:00 during the weekend
- Implement a 'Challenge 25' policy

Full details of the recommended measures can be found in section M of the application in the appendix.

**4 CONSULTATION**

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

<b>RESPONSES</b>	<b>REPRESENTATIONS</b>
North Wales Police	No objection
Fire Service	No objection
Food Team, Public Protection	No objection
Public Protection Service	E-mail – objection
Clerk, Porthmadog Town Council	No objection as long as the activities are restricted to inside the building and not outside

### **3 Representations from the Public Protection Service**

- 3.1 Observations were received based on concerns that the licensing objective of Preventing Public Nuisance would be undermined as the intention was to hold licensed activities outside the property, with regulated entertainment allowed outdoors until 23:00, and an external bar until 23:30.
- 3.2 Note, that the applicant states in part M of the application that bringing the regulated entertainment to an end at 23:00 and closing the beer garden at 00:00 was a way of preventing public nuisance; but that there were no details of the proposed actions intended to take to mitigate the noise effect on local residents during the entertainment events.
- 3.3 It was noted that it was expected that any licence holder complies with the licensing objections, including preventing public nuisance. Applicants are expected to provide detailed information with an application to allow the Licensing Authority to decide if the measures proposed are sufficient to promote the licensing objectives in the local area.
- 3.4 It was noted that this property was very sensitive to noise, as it was surrounded by various residential properties. It was also confirmed that a noise complaint had been received recently from a nearby resident regarding loud music, customers shouting and being noisy when leaving; and that glass bottles were being emptied late at night.
- 3.5 Attention was drawn to the fact that the application was confusing as there was reference to comedians performing outside until 01:00 in the morning, although part M of the application states that the beer garden would be closed at 00:00.
- 3.6 A question was raised regarding the planning status of the proposal in terms of changing the external store room into a small bar with a serving hatch.
- 3.7 The officer came to the conclusion that allowing regulated entertainment until 23:00 and a bar outside until 23:30 was likely to undermine the licensing objective of preventing public nuisance.
- 3.8 It was further suggested that it would be better for the applicant to request the right to hold events that make use of the outside area by issuing Temporary Event Notices; which would give the opportunity to prove if it was possible to control noise nuisance during such events.
- 3.9 It is noted therefore that the application should be refused in its entirety for the reasons noted.

### **4 Porthmadog Town Council representations**

- 4.1 The Town Council Clerk noted in his observations that the Council did not object the application as long as all licensed activities were held inside. The Licensing Authority's opinion was to consider the representations of the Town Council as an objection, as the only difference between what was requested in the proposed application and the current licence was the intention to hold licensed activities outside.

### **5 RECOMMENDATION**

- 5.1 **In accordance with the requirements of the Licensing Act 2003, and considering the observations received; it is recommended that the Committee REFUSE the application for the following reasons -**

- **None of the measures recommended in part M have convinced either the Licensing Authority or the Public Protection Service that it was possible to have measures in place to manage noise impact at this location which is surrounded by residential properties.**
- **A complaint had been received recently regarding music noise and the noise of customers at the licensed premises**
- **Although the Public Protection Officer had informed the applicant of the intention to object the application based on the licensing objective of preventing public nuisance; no response was received from the applicant, or any suggestion of compromise.**
- **It would be more appropriate for the applicant to submit temporary event notices in order to attempt to identify means of managing the noise when using the beer garden for licensed activities.**