

ADDITIONAL DOCUMENTS –

ANNEX G- Supporting Evidence from Premise Licence Holder

- Statement of Kenneth Sanders
- Copy of email / letter from Solicitor
- Copy of letter from Local Business
- Copy of statement from current DPS

**STATEMENT OF PREMISES LICENCE HOLDER
KENNETH HAROLD SANDERS**

I, Kenneth Harold Sanders of [REDACTED], Llandrindod Wells, Powys, [REDACTED] WILL SAY as follows:

- 1 I am the Premises Licence Holder of the Log Cabin, Spa Road, Llandrindod Wells, Powys, LD1 5ER and make this statement in response to the application made by Environmental Protection for a review of the existing licence on the grounds of the licensing objective of Public Nuisance.
- 2 By way of background, I purchased the Hotel Commodore which included the premises known as the Log Cabin on the 2nd October 2006 and for a period of time operated both premises under the umbrella of one business. At the time, the Commodore which included its own lounge bar, function room and the Log Cabin had the benefit of a licence which allowed for various licensable activities including the sale and supply of alcohol until midnight (Monday to Thursday) and 1.00am (Friday to Sunday). Mrs Murdock in her statement is wrong to say that the licence for the Log Cabin was only until midnight as this only applied Monday through to Thursday.
- 3 During my period of ownership, whilst we did receive the odd complaint from customers at the Hotel, these were very much few and far between. Notwithstanding this and conscious of the location of the Log Cabin, I always ensured that any rooms overlooking the premises were used last. If the Hotel was at capacity then I would always ensure that those rooms were occupied by customers who were least likely to be affected by any noise, for example tradesmen who would often use the Log Cabin facilities themselves during their stay.
- 4 In 2012, I agreed to lease the Hotel (retaining the Log Cabin) to the interested party, Mrs Andrea Murdock and her husband, Mr Rohan Murdock and also granted them an option to purchase the Hotel. Mr & Mrs Murdock went into occupation of the Hotel in September 2012.
- 5 At the time we were negotiating the terms of the lease, Mrs Murdock had asked for permission to refurbish the Hotel with secondary glazing during the lease period which I had agreed to. However, it would appear that this has still yet to be done. In my view, this would go a long way to resolving any potential noise issues, particularly in the small number of rooms that overlook the Log Cabin. Mrs Murdock was also fully aware of the way in which operated and dealt with the rooms that directly overlooked the Log Cabin as referred to earlier in this statement.

- 6 Following the completion of the new lease, Mr & Mrs Murdock as part of the lease agreement were required to obtain their own premises license for the Hotel and I retained the existing Licence but made an application to the Licensing Authority to vary this to exclude all licensable areas which had passed under the lease to Mr & Mrs Murdock.
- 7 In 2015, I then made an application to amend the Premises Licence for The Log Cabin to extend the licensable hours on Friday, Saturday, and Sunday evenings until 2.00am. No representations were made by Mr & Mrs Murdock against this application at the time and during the period 2012 to 2017 whilst Mrs & Mrs Murdock were tenants of the Hotel, I do not recall receiving any complaints about noise nuisance.
- 8 Quite frankly had there been any issue and had the situation been as bad as Mrs Murdock portrays in her statement to the Licensing Authority, then I would not have expected them to exercise their option to purchase the Hotel in 2017 (not 2018 as indicated by Mrs Murdock). During this period, the Log Cabin was much busier than it is now and there was also a busy nightclub operating behind the building.
- 9 In March 2017, Mr & Mrs Murdock completed the purchase of the Hotel. Almost immediately Mrs Murdock erected a fence between the two properties and in constructing the fence completely blocked the vehicular access to the Log Cabin. Whilst she later agreed to put gates in and we agreed that the gates would be locked by midnight on Friday and Saturday nights, once the gates were completed, we asked Mrs Murdock for a key as we would need one to be able to gain access, but she refused to provide one. This is where relations between us started to breakdown.
- 10 On various occasion since we have requested a key for the gates to be opened as we needed access, but this has never been forthcoming. The last instance of this was on Carnival Day in 2022 when Lee Percy went to the Hotel to ask for the gates to be opened so that he could park his Burger Van on our property. He was told by Mrs Murdock's business partner, Tony that Mrs Murdock was not there, and he did not know where the key was.
- 11 Since 2017 Mrs Murdock has not made any contact with myself about any alleged noise issues whether that be verbally, electronically, via phone or post. I am aware that Mrs Murdock has entered the Log Cabin on a couple of occasions since and has been verbally abusive towards members of staff about to be told that she would need to discuss matters with me directly and has chosen not to do so.

- 12 Despite the suggestion by Mrs Murdock that numbers at the Log Cabin have increased since COVID. The opposite could not be more true, we have seen a drastic decline in the number of customers at the Log Cabin and we are not alone in this. The majority of licensed premises in the town have seen a similar decline whilst others have closed down completely. Mrs Murdock also alleges that following COVID I increased the numbers of picnic benches in the outside drinking area from 2 to 6 which is completely untrue. There have always been 6 benches but they were reduced temporarily during COVID as I needed to use them at another licensed premises but they have now since returned.
- 13 I also note having considered Mrs Murdock's statement that she has produced seven customer reviews spanning a period of 18 months which evidence complaints about noise emanating from the Log Cabin, albeit one of those complaints appears to suggest that the noise was coming from the outside terrace at the Hotel itself from its guests as opposed to guests at The Log Cabin which does not have an outside terrace.
- 14 I attach a selection of other reviews from booking.com which offer a more balanced view and support the fact that noise issues are also originating from the Hotel itself whether that be from private parties at the hotel in the rooms directly above the lounge bar area and the pump to the swimming pool. The statement of the Designated Premises Supervisor at the Log Cabin namely Mrs Amy Gayther also alludes to the fact that noise is being caused by members of the public in the street outside of the licensed area.

Statement of Truth

I believe that the facts stated in this witness statement are true.

XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXX
Signed.....XXXXXXXXXXXX
Dated.....XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Type text here



▲ Back to top

👍 Helpful 🗨️ Not helpful



Turner
🇬🇧 United Kingdom

6.0

Reviewed: 10 September 2023

Family visit

😊 · Nice room and comfortable seating and nice bathroom

😞 · There was a large party at the hotel at the same time as us. The room was over the bar area. Could hear all the chatting until late at night. Food was ok, but it could have been better.. not local produce or meat.. Stake wasn't cooked as per our order



🛏️ Superior Double or Twin Room

📅 1 night · September 2023

👤 Couple



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👍 Helpful 🗨️ Not helpful

< Back

Reserve



👤 Couple

▲ Back to top

👍 Helpful 👎 Not helpful



Joanne

🇬🇧 United Kingdom

7.0

Reviewed: 18 October 2021

A pleasant stay a little noisy at night time due to private parties

😊 · Hotel room was a decent size, we were attended to with any queries immediately

😞 · Had to have hot water sorted as ran cold but this was fixed immediately. Breakfast seating a little cramped and could of started breakfast earlier

🛏 Superior Double or Twin Room

📅 3 nights · October 2021

👤 Family

👍 Helpful 👎 Not helpful



David

🇬🇧 United Kingdom

7.0

Reviewed: 7 October 2021

Staff all friendly , room fine , Breakfast spc experience .Which was a shame in otherwi






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😞 · Surprised by poor quality of all ingredients and

< Back

Reserve

  **Charlotte "Charlottosaurus" Spencer** 
Local Guide · 119 reviews · 29 photos

☆☆☆ 2 years ago

Nice cocktails. Outdoor seating area could do with some staff supervision as some of the other customers were a bit on the rowdy side. Staff not wearing masks without medical exemption lanyards visible or cleaning tables between customers



 Helpful  Not helpful




Sasha

 United Kingdom


5.0

Reviewed: 22 June 2023

Unsatisfactory

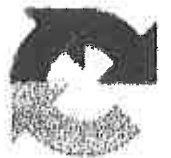
 · The swimming pool was out of use and no spa facilities as per website description. Was kept up till 3am with noise from pump next door and was unable to reach reception as the phone was not working.

 Basic Double Room

 1 night · June 2023

 Couple

 Helpful  Not helpful



Privacy - Terms

 Helpful  Not helpful



Philip





United Kingdom

5.0

Reviewed: 18 September 2022

Overall the stay was enjoyable, but I would`nt stay here again, unless it was sprussed up a bit.

 · The room was in a perfect position, very quite. excellent food, and fairly priced. Bar area comfortable but noisy.

 · On arrival, our room was not made up, so we ended up with another room, which turned out good, as there was a wake on the Saturday night and it was very noisy. The hotel itself was very old, and it showed in the decor inside and outside.



Basic Double Room



2 nights · September 2022



Couple

 Helpful  Not helpful



Gareth Jones - Dilwyns Solicitors

From: Gareth Jones - Dilwyns Solicitors <[REDACTED]>
Sent: 16 February 2024 17:59
To: 'Licensing'
Subject: RE: Premises Licence Review - The Log Cabin, Spa Road, Llandrindod Wells, Powys, LD1 5ER
Attachments: scanner@dilwyns.com_20240216_183907.pdf

Dear Natalie,

Further to my email below, please see attached letter having received updated instructions from my client.

I look forward to hearing from you.

Kind regards

Gareth Jones
Dilwyns Solicitors

From: Gareth Jones - Dilwyns Solicitors <[REDACTED]>
Sent: 16 February 2024 13:13
To: 'Licensing' <licensing@powys.gov.uk>
Subject: RE: Premises Licence Review - The Log Cabin, Spa Road, Llandrindod Wells, Powys, LD1 5ER

Thank you Natalie

From: Natalie Jones <[REDACTED]> On Behalf Of Licensing
Sent: 16 February 2024 12:01
To: Gareth Jones - Dilwyns Solicitors <[REDACTED]>
Subject: RE: Premises Licence Review - The Log Cabin, Spa Road, Llandrindod Wells, Powys, LD1 5ER

Good afternoon Gareth

I have attempted to adjust the scanned documents (noise logs) but I agree that some part are very difficult to read.

I have copied Laura into this email and ask that she sends you a copy of the logs by post (unless you can get the originals scanned in to a darker / better quality ?)

If you email a better copy, please send to Gareth Jones on this email.

Alternatively, could they be posted to:

Gareth Jones
Dilwyns Solicitors
Oxford Chambers
Temple Street
Llandrindod Wells
Powys
LD1 5DL

Thanks

Our Reference

GJ/12958.82

Your Reference

Date

16th February 2024

Mrs Natalie Jones
Licencing Team Manager
Powys County Council
The Gwalia
Ithon Road
Llandrindod Wells
LD1 6AA



DILWYNS

S O L I C I T O R S

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Rhayader & Knighton by appointment.

Dear Mrs Jones,

Premises Licence Review – Log Cabin, Spa Road, Llandrindod Wells, Powys LD1 5ER

We write further in the above matter having received updated instructions from our client and specifically with a view to exploring whether there is any potential for a mediated settlement to be reached with the Applicant, Environmental Protection and the Interested Party, Mrs Murdock to resolve the issues identified by the application for review.

For the avoidance of any doubt, this letter should not be taken as any admission on our clients part that the current activities at the Log Cabin constitute a public nuisance and he will continue to resist any application for review if the proposals for settlement set out below are not accepted or the parties are unable to reach agreed terms of settlement.

Whilst our client has issues with the evidence that has been presented for review, this letter is not the place for him to air his views and instead his focus is on exploring means of resolution. With that in mind, it was pleasing to note the sentiments of Mrs Murdock in her statement where she indicates that she looks forward to finding a resolution so that she and our client can work together.

She recognises that both parties have businesses to run and looks forward to finding a way in which both businesses can run smoothly, working together and with better communication. Our client is firmly of the view that the time

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Gareth M. Jones LL.B. (Wales) T.E.P.*
Andrew P. Morgan B.Sc. (Wales)

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Paralegal:
Kelly Evans-Spence



*Full Member of Society of Trust and Estate Practitioners
Service of documents or proceedings is not accepted by fax or e-mail.



between now and the Review Hearing would be best spent in seeking to explore terms of resolution with Environmental Protection and Mrs Murdock.

It is our view that both Mrs Murdock and our client have a key role to play in seeking to mitigate any alleged noise nuisance and we are therefore instructed to advance the following proposal:-

1. Condition 16 of the Premises Licence be amended to read as follows: -

"Security Industry Authority Door Supervision

A minimum of two SIA door supervisors will be on duty at the premises from 21.00 hours until closure of the premises on the following occasions. One of the supervisors shall be placed at the door of the outside smoking/seating area to control any potential noise issues:-

- *Every Friday and Saturday;*
 - *Every Sunday proceeding; e.g. bank holiday Monday*
 - *New Years Eve through to closure on New Years Day;*
 - *Christmas Eve;*
 - *Boxing Day";*
2. A new condition that the door to the outside smoking/seating area will be kept closed from 00:00 am to control any noise issues for local residents.
 3. A new condition that no speakers shall be placed on any party wall with the Hotel Commodore and that any existing speakers shall be moved to comply with this condition;

Our client suggests that following the implementation of these measures he is happy to be subject to a six month period of monitoring by Environment Protection to establish whether these measures have any effect on the existing noise levels;

Furthermore, whilst not strictly a condition that can be placed on the Premises Licence for the Log Cabin, our client also considers that Mrs Murdock should be exploring the option of installing secondary glazing in those rooms which she considers to be most affected by any noise emanating from The Log Cabin. This would certainly be in the spirit of working together to seek to try and resolve any potential issues.

Please would you kindly forward these proposals to both the Environmental Protection Officer and Mrs Murdock as soon as possible and if they wish to

MR R S LEE

PORTLAND HOUSE

SPA ROAD

LLANDRINDOD WELLS

LD1 5ER

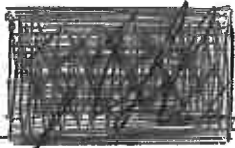
09/02/2023

REF> LOG CABIN

TO WHO IT MAY CONCERN,

IAM THE OWNER OF PORTLAND HOUSE TEA ROOM AND BED AND BREAKFAST. WHEN PURCHASING MY PROPERTY OVER 15 YEARS AGO I KNEW THERE WAS A BAR OPPOSITE. THIS NEVER GAVE ME CONCERN AS EVEN AS SMALL AS WE ARE IN LLANDRINDOD WELLS, WE ARE IN THE MIDDLE OF A TOWN CENTRE. THIS WAS MY CHOICE SO I HAD SECONDARY GLAZING PUT IN ALL MY FRONT ROOMS TO CANCEL OUT ANY NOISE IF ANY. IF ANYONE HAS A COMPLAINT THEN CERTAINLY NOT ME. THE STAFF IN THE LOG CABIN HAVE ALWAYS BEEN VERY PROFESSIONAL TO ME AND MY FAMILY AND PROVIDE A SPACE LATER THAN MOST SO PEOPLE ARENT ON THE STREETS. THE LOG CABIN HAS BEEN THERE BEFORE ME AND THE HOTEL ATTACHED AND WE ALL BOUGHT OUR PROPETIES AFER IT STARTED SO WE KNEW WHAT WE WERE BUYING. ALSO AFTER ALL THESE YEARS OF NO PROBLEMS OR COMPLAINTS I REGARD THE LOG CABIN THAT IS SOMEWHERE IAM COMFORTABLE TO GO WITH MY WIFE, AND THAT SHOULD SAY EVERYTHING. A LETTER ONLY SAYS SO MANY WORDS BUT I WOULD ME MORE THAN WELCOME TO CONFIRM THESE SENTIMENTS WHO MAY BE INTERESTED IN A PHONE CALL ~~079107610000XX~~

REGARDS



MR R S LEE

26th February 2024

Dear panel,

I have only recently become the DPS for the Log Cabin, in December 2023. Since I have become DPS there have been no complaints from the hotel about noise coming from the Log Cabin, and I very much intend to keep it that way.

As soon as I became the DPS I updated all the signs in the Log Cabin, reminding customers to respect our neighbours and leave quietly, and I am aware of how important it is customers follow these rules.

I diligently follow and enforce all the conditions of our license at all times and will continue to do so. I am more than happy to ensure that the door to the smoking area is kept closed at all times after midnight to minimise any internal noise travelling outside, I would've happily done this at any time had anybody asked us to.

I would also like to take this opportunity to point out that having also worked in the bar before I recently became the DPS, that much of the outside noise on Friday and Saturday evenings does not originate from our premises at all.

We are in a town centre location with many other drinking establishments open in the town, from which intoxicated people leave between the hours of midnight and 2:30am. Other venues in town have their closing hours staggered between midnight, 1.30am & 2:30am, creating noise in the streets heading home or to the kebab shops on the corner close to our premises.

There is also a notable problem of underage drinking/drug taking in town a lot of which occurs in the rock park area behind our premises (and that of the hotel next door) which again is absolutely nothing to do with our business.

Andrea herself (as noted by one of her customers in the review she submitted as evidence) also often has intoxicated customers of her hotel outside on their terraced smoking area after midnight, and often into hours past when our business has long been closed. At 2.30am the doors of the Log Cabin are locked and all customers are also dispersed from the outside areas, any noise disturbances after 2.30am most certainly not come from the log cabin.

Many of the customers that create noise and disturbance outside and around our premises are customers of Andrea's who are staying in the Hotel Commodore. To suggest that all sounds made outside in the town centre after midnight are from our premises alone is unfair. There have been many occasions where our staff have been out to deal with problems in the street from people who have left other premises/areas in town, we do this to ensure they go home safely and do not come into our premises creating a disturbance. No other bars in town employ any sort of security unless they have an event on which does lead to various problems in the streets in the town centre.

Your sincerely,



Amy Gayther

