

## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT BY TEAMS ON TUESDAY, 10 AUGUST 2021

PRESENT

County Councillor K Lewis (Chair)

County Councillors H Lewis and WD Powell

<b>1. APPLICATION FOR PREMISES LICENCE</b>
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

1.2. Application for full variation of a licence

**Premises** – 1898

**Applicant** – Mr L Bowyer and Mr R Burr

**Objectors** – Ms D Barlow and Mr P Owen

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

In a response to a question from Ms Barlow regarding the conditions in the current licence which had been struck through, the Licensing Officer advised that these would not be replaced if the Sub-Committee was minded to approve the application because the regulations relating to such things as fire safety were now covered by other new legislation. She advised that licensing conditions should not duplicate conditions from other legislation. She stated that new conditions had been noted at the end of the current licence contained in Annex B and a new condition was recommended which would refer to the fire risk assessment, which was due from the Fire Authority. In response to a question regarding the views of the Environmental Health Officer, the Licensing Officer read out the Environmental Health Officer's statement as a result of his visit to the premises during refurbishment and on 3 August when he monitored noise levels.

Ms Barlow advised the Sub-Committee that the hub of her concerns was that the proposed variations to the current licence would present an increased risk of noise nuisance to nearby residents due to amplified music escaping from the premises and from the behaviour of patrons outside the venue. The alterations to the premises facilitates a two floor nightclub, with amplified music being played on both floors simultaneously. In addition, the number of customers had risen from 170 to 500. She advised that the premises had opened the previous weekend and the noise escaping from the building was intolerable and this went on to after 0200hrs and was unacceptable in a mainly residential area. She felt the current conditions should not be removed. She advised the Sub-Committee that the side door opened direct onto the side street and when opened the noise was a nuisance. She considered that a lobby was needed or the door should be linked to a sound limiting device. She was concerned that the Environmental

Health Officer did not monitor the noise level late at night when there would be no traffic noise. She advised that she had recorded the noise levels from 10pm to 1.00am and would be happy to provide these to the Environmental Health Officer. Ms Barlow considered that the following conditions should be added – (i) before the removal of conditions prohibiting amplified music on the ground floor after 11pm, the owners should be required to obtain an acoustic engineer's report on the current sound insulation to confirm its suitability and to agree sound levels with the Environmental Health Officer at the nearest/most sensitive location, (ii) the sound levels should be under the direct control of the DPS and should be maintained at the level approved by the Environmental Health Team and she suggested two levels were necessary, with one for midnight onwards unless the low frequency noise can be negated by additional measures, (iii) the current condition regarding the sound limiting or cut out device should remain and (iv) if the owners are reluctant to install an acoustic lobby, the side entrance/exit door should be connected to the sound limiter device.

Mr Owen advised that the High Street was a mainly residential in nature and is recognised in the Welshpool Town Plan. There is an emphasis on providing housing in the area. The premises and area are not a suitable location for a nightclub.

In response to questions from the Sub-Committee Ms Barlow stated that the Environmental Health Officer had not appeared to monitor noise levels late in the evening and he did not monitor levels on the opening night. Mr Owen advised that the noise continued to 0200hrs and was very loud and at that time there is no traffic. Ms Barlow stated that the stewards were not ensuring that the side door was closed when not in use. Ms Barlow in response to a question advised that she had recorded the noise on her iPhone.

Mr Burr advised the Sub-Committee that the venue was not a night club but provided light music downstairs and a party bar is provided upstairs. He advised that the music stopped downstairs at 10:30pm on Saturday night. They took noise level readings after this, near the objector's house and this was 54db. He advised that Mike Brew, an experienced technical engineer was providing advice in respect of noise levels. Mr Bowyer referred to his experience within the industry and advised the Sub-Committee of the alterations to the premises which included sound insulation and soundproof blocks. He indicated that it would not be feasible to put a noise limiter on the door as this would affect the sound within the premises. In respect of the patrons leaving the premises they would be directed out of the building by the side door which was away from the High Street.

In response to questions from the Sub-Committee Mr Bowyer advised that customers were controlled and queued along the alley way and there was no trouble on the first night. The venue would provide a party bar for customers aged 18-80 and was not a night club. Mr Bowyer advised that as they had a lot of experience within the industry, they would not be intimidated by customers asking them to turn up the volume. The sound levels would be locked to various levels dependant on the type of music. In response to a question from the Solicitor Mr Bowyer advised they had downloaded an app to monitor noise levels. Monitoring was done at approximately 8pm, 11pm, 12:30am and 1:45am monitoring was undertaken outside of the building and noise levels were never above 52db. The Solicitor highlighted that there seemed to be a vast difference

between the noise levels recorded by the applicant and the levels recorded by the objectors. The applicant advised that Mr Brewer was a qualified sound engineer. In response to questions Mr Bowyer and Mr Burr indicated that when the outside door is open the inside door will be closed. They indicated that they would be happy to open the door in such a way that the noise could be deflected down the alleyway rather than into the High Street. Mr Bowyer advised that the current licencing conditions allowed people to enter and exit the building through the front door on the High Street however to address noise issues they had agreed that the side door on the alleyway should be used. In response to questions from Ms Barlow, Mr Bowyer advised that the front door would be used for people with disabilities and as an emergency exit. He acknowledged that the front door had no sound proofing. In response to questions from Ms Barlow, Mr Bowyer advised that no drinks would be allowed outside the building and people would only be allowed outside to smoke. He considered that customers had been controlled in and out of the door on the opening night.

In summing up Ms Barlow advised that she lived in the nearest residential property and this was a residential area. People were unaware of the application. She advised that the concerns regarding noise could be ameliorated and if a proper sound engineer was employed and the Environmental Health Officer had visited at more appropriate times. Mr Bowyer in summing up said that they had no complaints from residents who were closer to the premises. He indicated that they had listened to what people had said and listen to objections.

All parties confirmed that they were satisfied that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

<b>RESOLVED</b>	<b>Reason for decision</b>
<p><b>that the application be approved and the following conditions be added to those in the officer's report:</b></p> <ul style="list-style-type: none"> <li>• <b>The side door remained closed and only opened for people to enter and exit the premises and</b></li> <li>• <b>The front door to remain closed at all times and only used in an emergency or to eject people [it was noted that the door would need to be used for anyone with a disability].</b></li> </ul> <p><b>The Sub-Committee also requested that the Environmental Health Officer monitors the</b></p>	<p><b>The Sub-Committee were satisfied that the licensing objectives were promoted pursuant to the Licensing Act 2003.</b></p>

<b>premises by taking sound readings later in the evening and also around 0200hrs.</b>	
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal. He also advised that if local residents had evidence of problems with the operation of the licence, they could submit this to the Licensing Authority and apply for a review of the licence.

The Chair thanked all for attending.

**County Councillor K Lewis (Chair)**