

## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT BY ZOOM ON WEDNESDAY, 20 MARCH 2024

PRESENT

County Councillor B Baynham (Chair)

County Councillors D Edwards and A Jones

<b>1. REVIEW OF A PREMISES LICENCE</b>
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1.1. Sub-Committee procedures

The Chair and all those present introduced themselves.

In addition to the Sub-Committee members the following were present:

Powys County Council: Mrs N Jones, Licensing Team Manager and Ms R Mole, Solicitor and Clerk to the Committee

Applicant for the review - Mr P Bufton, Senior Environmental Officer, Powys County Council

Log Cabin - Mr G Jones, Solicitor, Dilwyns Solicitors representing Mr K Sanders, Licence Holder  
Mr K Sanders, Licence Holder

Responsible Authority - Mr R Bowen, Licensing Officer, Dyfed-Powys Police

Public / Interested parties - Mrs A Murdock, owner of The Hotel Commodore

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

1.2. Review of a licence

The Licensing Team Manager advised that Environmental Protection had submitted an application for a review of the licence as a result of an investigation into noise complaints at the Log Cabin, Llandrindod Wells and she referred to her report. The Sub-Committee were required to take such steps considered necessary for the promotion of the licensing objectives and she explained the options available to the Sub-Committee.

The Senior Environmental Protection Officer advised that a complaint had been received from the owners of the Hotel Commodore and he explained the actions taken by the Environmental Health Officer [as detailed in Annex C]. As a result of receiving the noise log from the Hotel a noise monitoring kit was placed in Room 12 in the Hotel between 27 October 2023 and 7 November 2023. The kit automatically takes a noise level every second and when a button is pressed on the kit an audio recording is made. The audio recording was activated by the Hotel owner. Loud noise levels were recorded on several occasions between the hours of 00:00 and 03:00 and supported the noise log. The decibel readings were between 40 and 60dBA. The Officer played a number of these recordings

to the meeting. He advised that The World Health Organisation recommends night time noise levels to be below 30dBA and that an increase of more than 10dBA from the background noise level would generate complaints. The Senior Environmental Protection Officer advised that the background noise level in the area was 19 – 20dBA and so the noise from the Log Cabin was a significant increase and an occupant of the room in the Hotel Commodore would not expect to sleep. He indicated that noise levels could be controlled by restricting the Log Cabin's use of the outside area and ensuring the doors are kept closed from 00:00.

In response to a question Mrs Murdock advised that when the recordings were made the window was closed and it has secondary double glazing.

Mr G Jones spoke on behalf of Mr Sanders the Licence Holder and gave the history of the ownership and management of the Hotel Commodore and Log Cabin. He advised that a lot of the noise comes from areas outside the Log Cabin's control as it is situated in the middle of the town and noise comes from other premises and businesses, including the Hotel Commodore and suggested that noise has been an issue for years. He advised that the outside tables have been used since 2013 and not since Covid as stated by Mrs Murdock. He noted that Mrs Murdock had advised that the hotel room had secondary double glazing. He also noted that the owner of the Portland House B&B did not raise any issues regarding noise levels. Mr Jones referred to the offer made by the Licence Holder regarding changes to the licence. In response to a question from the Senior Environmental Protection Officer he advised that on receiving the letter from the Environmental Health Department, Mr Sanders had reviewed his licence and ensured there was signage on the doors and door supervisors were asked to control noise. He advised that the relationship between the owners of the two premises was poor. In response to a question he advised that currently a Security Industry Authority [SIA] door supervisor monitors the whole area but the Licence Holder has offered to have a second SIA door supervisor who would monitor just the outside area. He could not comment on the impact on the business if the use of the outside space was stopped after 00:00.

Mr Bowen, Licensing Officer Dyfed-Powys Police advised that officers had attended the Log Cabin over the years in respect of noise complaints and anti-social behaviour issues. Officers have spoken to the licensee or staff and asked them to take appropriate action to reduce the noise levels. In most cases officers assessed the noise levels as not being excessive, for a licenced premises but the police officers are not trained as environmental health officers are. However, the Sub-Committee should note that officers are attending an hour or so after the initial call regarding an issue. He referred the sub-committee to Annex H and noted that over a six year period police had responded to 36 calls to the premises and that most of the calls were in respect of crime and disorder rather than public nuisance and noise levels. He considered that the number of calls was not excessive for a venue with a late night drinking licence. Mr Bowen suggested that if any changes were to be made to the licence, an additional SIA was required, rather than relying on the bar staff to manage customers and he noted that the outside area was also used as a smoking area and so if any restrictions were imposed then this would need to be considered. In response to a question he advised that it was unlikely that the type of incidents recorded in the Police Log would have been from the Hotel Commodore. He advised that this was a busy area of the town, with the Log Cabin being one of the latest

licensed premises and a taxi rank and kebab shop were also located in the vicinity.

Mrs A Murdock advised the Sub-Committee that there would be noise from each premises. However, the Hotel Commodore's decking area is not used after 10pm, the bar closes at 11pm and live music stops at 00.00. An influx of people come to the Log Cabin as this is the only premises open after 00.00. She referred to a complaint on Tripadvisor from someone staying at the Portland House B&B which is opposite the Log Cabin. She made her complaint as customers cannot sleep in the rooms on the side closet to the Log Cabin and double glazing has no impact on reducing the noise. In response to a question she advised that she had not spoken to Mr K Sanders but had spoken to his son about the noise levels. She advised that if the outside area was not used after 00.00 this should improve things. However, she asked where people would smoke and commented that the noise levels of people leaving at 3pm would have to be monitored.

In conclusion, the Senior Environmental Protection Officer considered that the high noise levels late at night is a public nuisance and has an impact on the customers at the Hotel. He advised that the outside area should not be used after 00.00.

Mr Jones concluded by saying that Mr Sanders had offered to accept a number of changes to the licence as detailed in Annex G additional document. He commented that he had not had the opportunity to review the new evidence presented by Mrs Murdock in respect of a complaint on Tripadvisor from someone staying at the Portland House B&B.

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</b></p> <ul style="list-style-type: none"> <li>• <b>the outside area should remain in the licence</b></li> <li>• <b>two Security Industry Authority [SIA] door supervisors should be on duty from 21.00 hours until the premises is cleared during the following operating hours:</b> <ul style="list-style-type: none"> <li>• <b>every Friday and Saturday</b></li> <li>• <b>every Sunday preceding a Bank Holiday Monday</b></li> <li>• <b>New Years Eve through to New Years Day</b></li> </ul> </li> </ul>	<p><b>To ensure the licensing objectives were promoted pursuant to the Licensing Act 2003.</b></p>

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| <ul style="list-style-type: none"><li>• <b>Christmas Eve and</b></li><li>• <b>Boxing Day</b></li><li>• <b>The door to the outside smoking/seating area will be kept closed from 00:00hours</b></li><li>• <b>The outside area will be only used for smoking after 00:00hours and no alcohol will be consumed in this area after this time and</b></li><li>• <b>No speakers shall be placed on any party wall with the Hotel Commodore and any existing speakers shall be removed.</b></li></ul> |  |
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The Chair advised that the Clerk to the Sub-Committee would confirm the decision in writing and reminded the licence holder that he could appeal to the Magistrates Court within 21 days.

The Chair thanked all for attending.

**County Councillor B Baynham (Chair)**