

# CYNGOR SIR POWYS COUNTY COUNCIL

## Montgomeryshire Licensing Sub-Committee

**REPORT BY:** Licensing Officer (Natalie Jones)

**SUBJECT:** OLD MILL, LLANIDLOES

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**REPORT FOR:** **DECISION**

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### 1. INTRODUCTION

- 1.1 Peter Challands of 42 High Street, applied for a Review of the Premise Licence for the Old Mill, Llanidloes at the end of May 2018. The grounds for his review were based on the licensing objectives crime and disorder and public nuisance (noise). The application contained relevant grounds for a Review and subsequently the Review Consultation process was started; this involved posting a Notice of the received application at the premises and on the Council's website advising that it was entering into a 28 day Consultation period to invite responsible authorities and interested parties to make a response.
- 1.2 A further application for the Premise Licence to be reviewed was received the day after Mr Challands, but as only one application can be considered, we advised the second applicant to make their Representations during the Consultation period.

### 2. BACKGROUND

- 2.1 A location plan for the premises is attached as Annex A to this report.
- 2.2 Photographs showing the premise and surrounding area are also attached in Annex A
- 2.3 The applicant has requested a Review on the grounds of crime and disorder and public nuisance:
  - **Public Nuisance** – This is the applicant's primary concern. There are three elements to their complaint – 1) Noise of people "in drink". Late night drinking destination with groups of people outside their house at both the front and rear. 2) Music – most disturbing is the electronically amplified music. From recent noise app recordings, decibel readings recorded from Mr Challands home from music within the venue have increased significantly).

People noise

- From groups of customers congregating outside residents houses

- From smokers congregating at the rear exit that back onto the residents Courtyard area
- From the use of the emergency exit that opens directly onto the residents Courtyard, customer noise and music from inside is escaping
- **Crime and Disorder** - Several incidents have been reported to the Police (detailed in Police Licensing officer report in Annex D)
- Windows Broken; drunken males urinating against their back door are some of the incidents cited

The full Review application document can be viewed in Annex B. (Partially redacted as it contains Planning Issues which are not relevant to the Licensing objectives)

2.4 A copy of the current premises licence, made under the Licensing Act 2003, is attached at Annex C.

2.5 The licence was last updated in March 2018, to reflect the change in DPS and Premise Licence Holder. Changed from Tnisha Johnson and Michael Cordingley to Peter McCready, who is the current Premise Licence Holder and DPS.

2.6 Current Licence hours:

Opening hours – Mon to Sun 09.00 to 00.30

Sale / Supply of Alcohol – Mon to Sun 09.00 to 00.00

Regulated Entertainment – Mon to Sun 09.00 – 00.00

2.7 Temporary Events Notices (TENS) are submitted throughout the year, to allow for extensions to the hours for licensable activities (namely sale of alcohol and music).

2.8 The Licensing Authority has been involved in a number of issues with the premises, raised by Mr Challands, both before Mr McCready took over and after. A log of these is found in Annex J

3.1 Responsible Authorities

A copy of a Report made by Rod Bowen, Police Licensing Officer is attached in Annex D. This Report cites the incidents reported to the Police over the past couple of years.

### 3. REPRESENTATIONS

3.2 A copy of the Representations /observations made by Paul Bufton, Senior Environmental Health Officer, which relates to noise / nuisance issues is

attached in Annex E.

### 3.3 Interested Parties

Six letters have been received from local residents / landlords making representations against the application, copies of which can be found at Annex F. The representations made are with reference to noise issues from the premises, along with crime and disorder and prevention of children from harm.

- 3.4 Also attached in Annex F is a collectively signed document from all objectors to the premise outlining what outcome they are seeking as a result of the application.

### 3.5 Premise Licence Holder

The current Premise licence Holder and DPS has also made Representations and the full document can be found in Annex G.

**Nuisance / Noise issues** - The PLH has liaised with Environmental Health and Licensing Officers since taking over the Premise Licence.

The PLH now owns a Sound Meter which is used during events to monitor noise. He also speaks with DJ's before their sets to be aware of the level of the bass channel through the amps. Also, only in-house equipment is used, which has been checked and deemed suitable for their purposes.

**Smoking Area** - All reported incidents of people smoking outside the bar entrance have been recorded by the PLH and dealt with immediately. Three signs are currently on the fence leading up to the entrance advising no smoking in this area, as it upsets the neighbours. The PLH believes he has done all he can to prevent 'smokers' causing a nuisance to their neighbours on High Street.

**Crime and Disorder** – The PLH disputes that the Old Mill can be held responsible for the criminal activity cited by the applicant. "The location of the applicant's home means that rowdy customers from any of the licensed premises in the town could be passing".

The PLH advises that he has never been visited by the local police to assist with the investigation of any alleged crime.

A Petition against the 'Closure' of the Old Mill has also been received. This contains over 200 signatures and is also attached in Annex G.

### 3.6 **Other Representations**

There have been over 50 letters of support for the Old Mill. These can be found in Annex H.

There were a further two letters received – one from a County Councillor

who resides in Llanidloes and another from a disinterested observer. These letters can be found in Annex I.

#### **4. OPTIONS**

4.1 In determining the application for a Premises Licence, the Sub-Committee must take such steps as are considered necessary for the promotion of the licensing objectives, which are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

The options available in determining this application are:

- (a) To reject the Review and take no action if it is determined that no steps are necessary to promote the licensing objectives
- (b) To modify the terms and conditions of the licence
- (c) To exclude a licensable activity from the scope of the licence
- (d) To remove the Designated premise Supervisor
- (e) To suspend the licence for up to 3 months
- (f) To revoke the licence

#### **6. DETERMINATION**

6.1 The Sub-Committee is requested to determine the application.