

Mr Emyr Jones, Licensing Lead, Licensing Authority, Carmarthenshire County Council
I

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Blue Bell Inn, 19 High Street, Llandovery, Carmarthenshire, SA20 OPU	
Post town Llandovery	Post code (if known) SA20 OPU

Name of premises licence holder or club holding club premises certificate (if known) Mrs Anna-Marie Elizabeth Reed
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Number of premises licence or club premises certificate (if known) OONU-PRM-00535

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Lead Consumer and Business Affairs Division Carmarthenshire County Council 3 Spilman Street, Carmarthen SA31 1LE
Telephone number (if any) 01267 228717
E-mail address (optional) schlicensing@carmarthenshire.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>The grounds of the review are based on the above Licensing objectives.</p> <p>The Licensing Team have received complaints from members of the public as well as referrals from other responsible authorities relating to the above premises. These complaints and referrals have covered a wide range of issues including :-</p> <ul style="list-style-type: none">• Loud Music• Drinking in outside areas beyond the hours permitted on the Premises Licence• Loud People Noise from external area / beer garden• Failure to comply with the conditions of the premises licence.• Shouting and Fighting in and around the Blue Bell reported by neighbours, continuing until the early hours• Outdoor Music at weekends• Controlled drugs being used at the premises• Regulated entertainment being provided beyond the permitted hours stipulated on the premises licence.• Selling alcohol beyond permitted hours.• Playing live music within external areas beyond 11p.m <p>Given the nature of the complaints, the Licensing Section has worked closely</p>
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with both the Police and Environmental Health to investigate the matter.

During compliance visits with officers from Dyfed Powys Police, Licensing Officers have witnessed breaches of licence conditions, including a requirement to keep windows and doors closed when entertainment is being provided, customers using the beer garden beyond the 11pm closing time as well as customers remaining at the premises and consuming alcohol beyond the opening hours stipulated in the premises licence.

As is set out overleaf, the Licensing Section along with the other Authorities have repeatedly engaged with the premises licence holder and designated premises supervisor Mrs Anna-Marie Reed to provide advice in an attempt to resolve the complaints.

However, despite Licensing Officers repeating this advice during recent joint out of hours visits to the premises accompanied by officers from Dyfed Powys Police, when breaches of conditions were pointed out to the licensee, the issues of non-compliance continued and were again witnessed by Police and Licensing Officers during a subsequent visit to the premises.

Environmental Health Officers have also been investigating the noise complaints and have concluded that the premises is a source of noise nuisance. As a result, a noise abatement notice was served on the premises licence holder on the 21st of July 2022.

Given that the Licensing Authority and Environmental Health have failed to resolve the matter through informal action and advice to the licensee, it is therefore felt that a review of the premises licence is appropriate and proportionate, in order to address the continuing problems.

The Licensing Authority believes that in view of the failure by the Premises Licence Holder and DPS to comply with licence conditions and restrictions and the continuing complaints in relation to the operation of the premises, it is necessary and appropriate, in order to promote the licensing objectives, to request that the premises licence for the Blue Bell Inn be revoked.

If, after considering the application, supporting evidence and any other representations, the Licensing Sub-committee believes that the licence should not be revoked, the Licensing Authority believes that it would be appropriate that additional control measures be attached as conditions to the Premises Licence.

Please provide as much information as possible to support the application (please read guidance note 3)

Mrs Anna-Marie Elizabeth Reed became the Premises Licence Holder and Designated Premises Supervisor of the Blue Bell Inn Llandovery on the 14th of September 2020.

A copy of the premises licence which sets out the licence conditions and identifies the licensed area is attached as exhibit (EORJ1)

The licensed area of the premises is highlighted on page 10 of the document and relates only to the indoor areas of the premises.

Whilst the premises licence does not authorise entertainment in the beer garden area, an exemption to the Licensing Act 2003, introduced by the Live Music Act 2012, permits live music to be played in a beer garden, if it qualifies as a work place. However, this exemption only permits live music to be provided between the hours of 8am and 11p.m and licensees must still ensure that they do not undermine the licensing objectives.

On page 8 of the premises licence, you will see condition d) 1- which stipulates a terminal hour of 11 pm for the beer garden and condition d)3 which requires all windows and doors to be kept closed when entertainment is being provided.

The permitted opening hours of the premises are also set out on page 3 of the licence document:-

Mondays to Thursdays 11.00 until 00.00

Fridays and Saturdays 11.00 until 01.00

Sundays 12.00 until 23.30.

The original Premises Licence document is required to be at the premises and the premises licence summary must be prominently displayed at the premises.

As a result of the coronavirus pandemic, hospitality businesses were subject to a number of varying restrictions from March 2020 through to January 2022, when the majority of restrictions were lifted. When licensed premises were permitted by the regulations to open for business during this period, part of those restrictions was a requirement to only play recorded music at a low background levels and live performances were not permitted. These restrictions were eased on the 7th of August 2021. Therefore when the Premises licence holder took over the running of the premises, it was subject to significant COVID related restrictions which curtailed licensing activities that took place there. Once those restrictions were eased in August 2021, complaints began to be received.

In September 2021 the licensing section were made aware of complaints to both the Police and Environmental Health regarding noise from the Blue Bell Inn over the weekend of the 19th September 2021. Three separate local

residents complained regarding the noise from the beer garden of the premises.

On the 17th of September 2021 a Licensing Officer spoke to Mrs Reed regarding the complaints and the need to manage the noise caused by such events. Mrs Reed stated that they have a live band arranged for next Saturday 8pm to 10pm and live entertainment the Saturday after 2pm-10pm, (fundraising event for children's play area and parks). Then nothing planned outside after that. They have a noise decibel reader and are trying to keep the level to under 85. They would like to continue with music inside – Open mic nights, one Sunday every month.

The officer also discussed a Facebook post from the premises, which had been raised with us and which appeared to suggest that no action would be taken by the operator in relation to complaints. The officer advised Mrs Reed to be careful regarding what was posted on social media, in case it resulted in repercussions by customers taking matters into their own hands.

On the 28th November 2021, the Licensing Section was made aware of a further complaint to the Police and Environmental Health regarding music noise coming from within the Blue Bell Inn, which was being investigated by Environmental Health.

On the 16th December 2021, as result of the noise complaints being received, a Licensing Officer, along with Mr Aled Morgan from Environmental Health and an officer from Dyfed Powys Police met with Mrs Reed at the Blue Bell Inn, Llandovery.

Mr Morgan outlined to Mrs Reed the ongoing noise complaints and the noise App recordings being submitted to Environmental Health. Mrs Reed indicated that the Bass would be turned down to see if that helped.

Mrs Reed was reminded by the Licensing Officer of her permitted hours and was taken through her copy of the Premises Licence which stipulates that music indoors to finish at 12 midnight. Any background music provided after that should be at a low level and should certainly not be disturbing any residents. Mrs Reed indicated that she would reduce the bass element of the music.

In relation to outside entertainment, Mr Morgan asked Mrs Reed to let him know before this was to restart in 2022, so he could come out and see what they intend to do and offer advice. Mrs Reed indicated that they may restart around Easter time.

On the 10th January 2022, the Licensing Section was made aware of an anonymous call alleging that Controlled Drugs were being used in the Blue Bell Inn, 19 High Street, Llandovery, and out in the beer garden and that the landlady is aware of what's going on.

On the 19th January 2022 a further meeting took place with Mrs Reed at the

Blue Bell Inn. On this occasion Mr David Bizby, the Police Licensing Officer and PC Garry Cutler were at the meeting along with Kirsten Smith a Licensing Officer.

The complaint of drug use at the premises was discussed with Mrs Reed. She stated that she was not aware of a problem, and was asked to be more vigilant and to speak to her bar staff.

On the 19th of January 2022, licensing section received further allegations that the Blue Bell Inn was opening beyond their permitted hours.

29th January 2022 the licensing section were notified by Environmental Health that they had received further noise complaints regarding the Blue Bell Inn, Llandoverly, which they were investigating.

16th February 2022 two complaints received, relating to noise, exceeding permitted hours and the use of drugs at the premises. These complaints were brought to the attention of the Police and Environmental Health.

On the 27th April 2022 a further multi agency meeting took place at the premises with Mrs Reed. The meeting was attended by Kirsten Smith, David Bizby, Aled Morgan and PCSO Steve Griffiths. The recent complaints of music noise, people noise outside on the road until 0200, allegations of after hours activity and drug use at the premises were discussed with the licence holder.

A post on the premises Facebook page, showing music being played at the premises at 23:37 with doors wide open, beer garden in use was also discussed and the licensee reminded that this is a breach of premises licence conditions as the windows and doors must be closed and the beer garden not used after 23:00. The licensee was advised to comply with the conditions of licence and that if such breaches were witnessed again more formal action would be taken.

Mrs Reed was informed that if things did not improve then a review could be submitted to request CCTV and remove music entitlement. Mrs Reed agreed to put up notices and comply with the conditions, and speak to her customers as they also had a part to play in keeping the noise down.

On the 6th of June 2022 an e-mail complaint was received about music noise over the Jubilee weekend and persons outside beyond 23:00. There was a Temporary Event Notice in place for this event which permitted licensable activities to take place in the beer garden of the Blue Bell Inn between 14.00 and 24.00 on the 3rd and 4th of June 2022.

On the 7th of June 2022, a further telephone call regarding the above complaint. The complaint was again shared with Environmental Health and the Police for investigation.

Saturday 11th June 2022, Premises visited at 22:15p.m by Licensing Officers along with Dyfed Powys Police Officers. Music could be heard outside the premises when to the rear, but not excessive. Less noise on the roadside. All

licence documents present. Singer was inside the premises, approx. 30 people on the premises, inside and outside in the beer garden. – Body camera on. Mrs Reed, licence holder and DPS is present and spoken to and reminded of the following hours and condition, due to the complaints we had received previously:

Premises to be closed at 01:00 and beer garden not to be used after 23:00.

At 23:30 on the same evening, Licensing Officers returned to the rear lane behind the premises. Live Music still playing (licence permits live music to be played indoors until 00:00). Persons could be heard in the beer garden. Two persons walked down the lane with a pizza box and climbed over the field style gate and into the beer garden.

Officers returned to the rear lane at 01:15-01:30. Persons could still be heard in the premises and beer garden.

13th June 2022 Licensing received an e-mailed complaint regarding the premises with noise recordings with people noise outside in beer garden after 23:00 until 6a.m in the morning.

15th of June 2022, warning letter send to Mrs Reed regarding the visit undertaken on the 11th June 2022, and reminding Mrs Reed of the advice given in relation to the conditions of the premises licence and the breaches witnessed by officers. Exhibit (EORJ2)

17th of June 2022 Licensing received a copy of a warning letter sent by Mr Aled Morgan, Environmental Health to Mrs Reed, in which he outlines the complaints, the advice previously given as well as the potential formal action which could be taken if the licensee failed to address the noise problems. Exhibit (EORJ 3)

17th of June 2022 two further complaints submitted to licensing alleging that music was being played in the beer garden of the Blue Bell after 11p.m.

As a result of the officer's observations on the 11th of June 2022, a further visit to the premises was conducted by Licensing Officers on Saturday 18th June 2022 at 23:30 along with officers from Dyfed Powys Police. They entered the premises through the front door and proceeded to the beer garden. There were approximately 20 people in the beer garden. No music playing, band appeared to have finished for the evening. Mrs Reed was spoken to, no excuse given as to why there were people still outside. As officers were talking to Mrs Reed, people from outside started to come inside, followed by a member of staff.

Mrs Reed was informed that officers could hear people still in the beer garden after 23:00 on the previous Saturday night, and that people could be heard at the premises around 01:30 am last Saturday night, one of which was her. Mrs Reed stated that it was staff clearing up. When asked how many staff did she employ, as there were 5-6 different voices that officers could hear, Mrs Reed replied that she has 1-2 staff.

Officers re-visited the premises at 01:30 am, the rear of the premises was quiet. The front door of the premises was closed, as were the shutters on the windows, but officers could hear numerous voices in the premises. On looking through the gap in the window shutters, officers could see persons still on the premises finishing drinks and putting coats on. Officers waited outside the front door until it opened, approximately 6 people left, and officers entered the premises. Another 4 people were still in the premises, plus Mrs Reed, 1 staff member and another male who said he lived there. One man was finishing his drink and then left, another 3 people were sat at a table to the rear of the premises, one with a full pint, and said they were just waiting for a taxi. They got up to leave via the back door, and said they would go for a cigarette while they waited. Officers asked when the full pint was pulled, and was told it had been there for some time. The time was just after 01:40am.

When officers entered the premises, Mrs Reed said she had 20 minutes drinking up time, so that's why people were still on the premises, Mrs Reed was told to look at her licence and that there was no additional drinking up time. The premises had to close at 1:00a.m, and it was nearly 1:40 am in any event. Mrs Reed had no other explanation as to why people were still at the premises.

20th of June 2022, two noise complaints relating to noise app recordings of music being played in the beer garden of the Blue Bell Inn, Llandoverly after 11.pm on the 17th of June 2022 referred to Licensing by Environmental Health.

23rd of June 2022, e-mail from Mrs Reed in response to the licensing visits and letters from Environmental Health and Licensing. Exhibit (EORJ4) Kirsten Smith contacted Mrs Reed to discuss the Temporary Event Notice in place for the weekend of the 25th of June 2022.

On the 25th of June 2022 and again on the 27th of June 2022, Environmental Health notified us of further noise app recordings received in relation to the above premises which they were investigating.

On the 21st of July 2022 Environmental Health notified us that a noise abatement notice had been issued in respect of the Blue Bell Inn Llandoverly as a result of their investigation into the noise complaints.

Further noise complaints have been received by Environmental Health since the noise abatement notice was served. On the 12th and 13th of August 2022 noise app recordings were submitted regarding entertainment noise from the Blue Bell Inn.

I have considered the various options to deal with these issues. These include instigating criminal proceedings under s136 of the Licensing Act 2003, in relation to the breaches of licence conditions witnessed by officers, however such action would at most result in a modest financial penalty. It would not address the problems being caused and neither would it protect the

neighbours from the nuisance caused by the operator of the premises or promote the licensing objectives.

I also consider that taking no action, or warning the premises licence holder would fail to promote the licensing objectives and fail to protect local residents. The conduct of the premises licence holder as outlined above demonstrates that she is unwilling to listen to or act on advice and is unlikely to comply with licence conditions.

Therefore, I believe that undertaking a review of the above Premises Licence would be the most appropriate and proportional option for this case.

The Licensing Authority along with Environmental Health and the Police have endeavoured to engage with Mrs Reed on a number of separate occasions.

The facts set out above demonstrate a lack of appropriate management and control at the premises which undermines all the licensing objectives. In particular;

1. Mrs Reed shows complete disregard for her obligations as DPS.
2. Mrs Reed seems incapable of exercising effective and appropriate control over the premises and its patrons.

Given the complete failure by the premises licence holder and designated premises supervisor Mrs Reed to address the noise complaints and licensing condition breaches, despite repeated efforts by the responsible authorities to resolve the matter through informal action, the application seeks the revocation of the premises licence.

The Licensing Authority is seeking the revocation of the premises licence as there is no mechanism in the Licensing Act 2003 to apply to remove the premises licence holder.

If after considering the application and the submissions of other parties to the application, the sub-committee feels that it is not appropriate to revoke the premises licence, the Licensing Authority believes that as a minimum in order to promote the Licensing objectives of the Licensing Act 2003, additional licence conditions must be imposed on the premises licence.

The conditions proposed would be based on the points below - :

1. The Installation of an adequate CCTV system.
2. Removal of the Live Music entitlement under the Live Music Act 2003. (This would result in the use of TEN's for any Live Music in outside areas).
3. Removal of Mrs Reed as Designated Premises Supervisor.
4. Require the Designated Premises Supervisor to have completed the Personal Licence Training Course
5. Improve the management of entertainment at the premises.
- 6 Ensure that all premises licence conditions apply between 08.00 and 23.00 each day.

The application seeks to attach all the conditions requested above in accordance with section 177A(4) of the Licensing Act 2003 and also to give renewed effect to all existing licence conditions in accordance with section 177A(3) of the Licensing Act 2003. In all instances it is proposed that a statement be included as part of all premises licence conditions indicating that S177A of the Licensing Act 2003 does not apply to the conditions.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

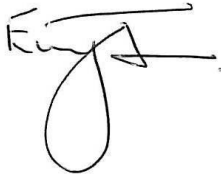
Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date 23/08/22

.....

Capacity Licensing Lead

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.