
CENTRAL LICENSING SUB-COMMITTEE 13.03.09

Present: Councillor J.R.Jones (Chairman for the first application)
Councillor W.Tudor Owen (Chairman for the second application)
Councillors Dewi Llewelyn (for the first application) and Ieuan Roberts

Also present: Gareth W.Jones (Senior Administrative and Legal Manager); Sion Huws (Propriety Officer); Amlyn ab Iorwerth (Licensing Manager) and Gwyn Parry Williams (Committee Officer).

Others invited to the Meeting:

Representing the Police: Mr Ian Williams (Police Licensing Co-ordinator); Sergeant Bill Coppack (Bangor Police Station)

Applicants: Mr John Metcalf (KFC Manager, Bangor) and Mrs Jane Hughes; Mr Richard Williams (Licence Holder, O'Sheas, Bangor) and Mrs Laura Hart-Hill (Designated Premises Supervisor O'Sheas, Bangor)

1. APPLICATION TO REVIEW THE PREMISES LICENCE OF KFC, 289, HIGH STREET, BANGOR

The Licensing Manager submitted his report on the Police's request to review the Premises Licence of KFC, 289, High Street, Bangor. The premises had a licence which included a condition that the CCTV system should be operational at the premises. The main reason for the review was the availability of the CCTV footage to the Police and/or any other responsible authority.

When considering the application, the Sub-committee followed the procedure noted below:

- i. An opportunity was given to members of the Sub-committee to ask questions of the Police representative;
- ii. The licence holder and his representative were given an opportunity to respond to the observations;
- iii. Members of the Sub-committee were invited to ask questions of the licence holder and his representative;
- iv. The Applicant, the licence holder and his representative were given an opportunity to summarise their case.

When submitting observations to support the application, Sergeant Bill Coppack highlighted many incidents and gave details regarding problems officers had experienced when attempting to obtain CCTV evidence in relation to criminal cases. Some of them had to be abandoned due to the lack of evidence that would have been available from the CCTV footage. The catalogue of blunders had led to losing evidence in an investigation into a serious offence and the individual who endured the abuse was a member of the

company's staff, which showed a complete indifference towards the prevention of crime and disorder.

In addition, it came to the attention of the local police officers that a substantial amount of rubbish came from the property and was being thrown around the High Street area of Bangor.

He further informed the Committee that the Police were eager to work closely with the premises licence holder and agreed to amend some of the conditions requested in the application for review.

In response to the Police's request, the property manager confirmed that he was willing to accept the additional conditions as had been agreed with the Police. He admitted that mistakes had been made and that this had been caused by the lack of communication. They always tried to assist the police by allowing them to see their CCTV footage in relation to other incidents in the High Street. He also gave assurance that a contact number would be available to all staff members should none of the management team be present at the premises when the Police would need to see the CCTV footage. He also noted that the abovementioned incident was the first to happen in many years and that generally, he did try to assist the police.

The tenants, Police Officers and Licensing Manager left the room while the Sub-committee members discussed the application.

In reaching a decision, the Sub-committee noted that there was agreement between the parties in relation to the additional amended conditions.

RESOLVED to add the following conditions by agreement between the parties –

- a) **Once a request is made to any member of staff at the premises by any employee of North Wales Police, or any other relevant authority including Gwynedd Council for any video tape or digital reproduction recorded on the premises, that reproduction will be made and handed over to the person making the request at the time. If that is not possible the reproduction will be taken to the office of the person making the request (In the case of North Wales Police - Bangor Police Station) by a staff member of the premises within 48 hours of making the original request.**
- b) **A contact number is made available to all staff members if a member of the management team is not available when North Wales Police require the CCTV footage.**
- c) **A sufficient number of suitable receptacles for refuse storage will be provided. These will have properly fitted covers and maintained in a clean condition.**
- d) **Nearby streets will be monitored to ensure that patrons are not littering the streets and/or residents' property, or causing a nuisance to residents.**
- e) **Patrons will be prevented from eating and drinking immediately outside the premises.**
- f) **Any queues inside or outside the premises will be monitored by a member of staff to ensure compliance with the licensing objectives.**
- g) **A litter patrol will be undertaken at every close of business during daylight hours to ensure there is no litter in the area bounded by Dean Street, Ffordd Gwynedd and the town clock.**
- h) **Notices will be displayed advising customers that dropping litter is an offence.**
- i) **Notices advising of the CCTV in operation to be displayed in a prominent position.**

j) Notices discouraging disorderly behaviour to be displayed in a prominent location.

The Senior Administrative and Legal Manager reported that a letter would be sent to all concerned within five working days to confirm the decision of the Sub-committee, notifying all of the right to appeal against the Sub-committee's decision.

2. APPLICATION TO REVIEW THE PREMISES LICENCE FOR O'SHEAS PUB, 206, HIGH STREET, BANGOR.

Submitted – the report of the Licensing Manager at the Police's request to review the Premises Licence of the O'Sheas Pub, 206 , High Street, Bangor requesting either a full revocation of the licence or a temporary revocation due to incidents of under age drinking, failed test purchases and disturbances outside the premises involving underage youths who had been drinking alcohol at the premises.

When considering the application, the Sub-committee followed the procedure noted below:-

- i) Members of the Sub-Committee were given the opportunity to ask questions of the Police representative.
- ii) The licence holder and representative were given an opportunity to respond to the observations.
- iii) Members of the Sub-Committee were given an opportunity to ask questions of the licence holder and his representative.
- iv) The applicant, the licence holder and his representative were given the opportunity to summarise their case.

In submitting observations to support the application agent Bill Coppack drew attention to a number of incidents which had taken place at the premises, namely –

- a) Selling of alcohol to underage persons.
- b) A customer fell at the premises and when the emergency services arrived it was apparent that he was very drunk.
- c) Disturbances outside the premises involving underage youths.
- d) High level of cocaine on the shelf in the pool room.
- e) The CCTV was not in working order.

In response to the Police's application, the licence holder stated –

- i) The premises had managed to pass two out of the four test purchases and he confirmed that when a member of staff had been identified as selling alcohol to underage persons, that member of staff had been dismissed.
- ii) The customer who slipped at the premises had previously sustained an injury outside the premises but that his leg gave way when he entered the premises.
- iii) Customers were banned from the premises following the discovery of high levels of cocaine.
- iv) The CCTV system had been repaired after the police raised the matter.
- v) All staff members were warned not to sell alcohol to underage person and it was agreed to adopt a 'Challenge 23' policy.
- vi) A strict admissions policy was enforced on the doors.

The tenants, Police officers and the Licensing Manager left the room whilst the members of the Sub-committee discussed the application.

Before reaching its decision, the Sub-committee gave consideration to the following matters –

- a) The number of recorded incidents by North Wales Police, and in particular, those relevant to the underage selling of alcohol.
- b) The fact that incidents continued to take place following the two stage review process.
- c) The high level of cocaine recorded at the premises.
- d) Whether revoking the licence or temporary revocation would be the best way of overcoming the problems.

RESOLVED

- a) **To revoke the premises licence of O'Sheas, Bangor for a period of six weeks to take effect once the time for making an appeal has expired or, if an appeal is lodged, when a decision is made on the appeal.**
- b) **The following mandatory conditions will be added to the premises licence:**
 - i) **The designated premises supervisor will facilitate all Police visits to the premises.**
 - ii) **The designated premises supervisor will work with North Wales Police to reduce the number of violent and / or anti-social incidents at the premises by:-**
 - **Calling North Wales Police to each and every incident of violence inside the premises and outside the premises when door staff are employed at the premises.**
 - **Removing any violent persons from the premises and not allowing them to return and to consider Pub Watch procedures as appropriate.**
 - **Effective monitoring of all people leaving the premises for the carrying out of glasses and bottles (which could be used as weapons).**
 - **Refusing admittance to any person who is drunk or under the influence of drugs.**
 - **Reminding all staff of the issues surrounding the serving alcohol to drunken people and the fact that it is a criminal offence which could lead to a licence review.**
 - iii) **To install and maintain an effective CCTV system within the premises ensuring all areas are covered and to also ensure that if there are any breakdowns within the CCTV system that it is repaired expeditiously.**
 - iv) **To fully comply with all Pub Watch conditions.**
 - v) **To ensure that any events or parties are the subject of prior written notification to the Local Authority in an application for a temporary events notice.**
 - vi) **To implement a strict "Challenge 21" policy.**

The Senior Administrative and Legal Manger reported that a letter would be sent to everyone within five working days confirming the decision of the Sub-committee and informing everyone of the right to appeal against the Sub-committee's decision.

The meeting commenced at 10.30am and concluded at 12:30pm