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## CENTRAL LICENSING SUB-COMMITTEE, 03.04.09

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**Present:** Councillors Gwilym Owen Williams (Chairman); John R. Jones; W. Tudor Owen

**Also present:** Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager), Alun Evans (Environmental Health Officer - Pollution) and Eirian Roberts (Committee Officer).

**Others invited to the meeting:**

**Representing the Police:** Mr Ian Williams (Police Licensing Co-ordinator),

**For the Caernarfon Burger & Kebab House application:**

**Applicant:** Mr. Mustapha Sari (Owner); Mr. Wyn Jones (Solicitor)

**For the Octagon, Bangor application:**

**Applicant:** Mr Ian Roberts, Manager of the Octagon; Mr Nigel Blair, Director of Cwmni Time Cyf.

**Objector:** Mr Gwyn Hughes, Clerk, Bangor City Council

**Apologies:** Local Members namely Dewi Llewelyn and W. Roy Owen

### **1. APPLICATION TO VARY PREMISES LICENCE FOR CAERNARFON BURGER AND KEBAB HOUSE**

Submitted – the report of the Licensing Manager providing details of the application by the owner of the Caernarfon Burger and Kebab House to vary the existing licence on the premises to allow the sale of hot food until 03.30am every day. It was reported that a letter had been received by the Police objecting to the application on grounds of the number of cases of crime and disorder within and outside the premises over a period of time, a letter on behalf of the Town Council objecting to the application on grounds of noise nuisance; a letter from the Fire Service stating no objection, and a memo from the Arfon Area Planning managers noting that the premises' planning conditions restricted the opening hours to 9.00am to 12.00 midnight.

Copies of the premises' current licence were distributed to the members.

In considering the application, the following procedure was followed:-

Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.

The applicant was invited to ask questions of the Council's representative.

Each Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon his application and then call witnesses.

Members of the Sub-committee were given an opportunity to ask questions of the applicant.

The Council's representative and the applicant were given opportunities to summarise their case.

The application was submitted on the applicant's behalf by his solicitor, explaining that the applicant's business had dwindled recently because of the new one-way system in Caernarfon. He further explained that customers coming out of the two nearby nightclubs at 2.00am would come to the shop to buy food, and could not understand why they would not be allowed in. Consequently, a lot of people would convene outside, and if the premises were open later it was believed that customers would go home after being able to buy food. He added that the owner was willing to co-operate with the police at all times, and that there was CCTV within the premises and that the litter situation outside was improving.

In supporting the Police's observations, the Licensing Co-ordinator expressed:-

- that a Level 2 meeting was arranged with the licence holder and that an action plan had been agreed. However, the application to review the licence had been submitted before the end of the period of three months, after that, the action plan would have to be reviewed
- that the police were concerned about the application because thirty cases of disorder had been recorded since 2005, although it was fair to say that nine of these had been notified by the owner himself. It was noted, in particular, that a serious incident occurred in January this year when a policewoman was injured when responding to a call because of an argument between two customers
- that the biggest nuisance was caused by customers convening outside
- that the police were unhappy that litter was left outside the premises
- that the owner had been in breach of the licence conditions when selling food to customers after 2.00am
- that the owner had been in breach of an agreement with the policy by not ensuring that there was someone working on the door to prevent people from going in after 2.00am
- and that the police objected to the application in light of all the concerns noted.

The applicant, the applicant's solicitor, the Police Licensing Co-ordinator and the Licensing Manager left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving appropriate attention to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

and the following decision was reached. The committee emphasised that the applicant would have to comply with the licence conditions and ensure that the premises closed on time and that no customers should be inside after that.

**RESOLVED:-**

1. **to change the hours of providing late night refreshments under paragraph L of the application on Fridays and Saturdays to read:**
  - **23.00hours to 2.30hours**
2. **to change the opening hours under paragraph O of the application on Fridays and Saturdays to read:**
  - **23.00hours to 2.30hours**

The Propriety Officer reported that a letter would be sent to the applicant within a week, confirming the Sub-committee's decision, and to inform him of the right to appeal against the decision within three weeks of the date of that letter.

## **2. APPLICATION TO VARY PREMISES LICENCE FOR THE OCTAGON, DEAN STREET, BANGOR**

Submitted – the report of the Licensing Manager giving details of the application by the Octagon management company to extend the hours permitted for the sale of alcohol and controlled entertainment from 11.00 to 3.00 from Sundays to Thursdays, and up to 4.00 on notable dates. He reported that an e-mail was received later from the Police Licensing Co-ordinator noting that, following consultation with the solicitors of the Octagon, the application to extend the hours on notable dates to 4.00 was withdrawn. Consequently, the Police had no objections to the application.

The Fire and Rescue Service, Trading Standards and the Gwynedd Council Planning section did not object to the application. A letter was received from the Environmental Health Officer suggesting additional conditions should the application be approved.

A letter was received on behalf of Bangor City Council objecting to the application on grounds that the additional noise would affect the peace of neighbouring residents, as well as a letter from the Local Member on behalf of neighbouring residents expressing the same concerns.

Copies of the premises' current licence were distributed to the members.

In considering the application, the following procedure was followed:-

Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.

The applicant was invited to ask questions of the Council's representative.

Each Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon his application and then call witnesses.

Members of the Sub-committee were given an opportunity to ask questions of the applicant.

The Council's representative and the applicant were given opportunities to summarise their case.

In supporting the observations submitted in letters, the Environmental Health Officer - Pollution reported -

- That the department did not object to the application
- That the officers were concerned that noise from the premises after 2.00am would be heard more by local residents as the level of background noise was at its lowest between 2 and 6 am
- That officers recommended adding a noise clause to the licence, and a list of appropriate conditions were submitted for members' attention
- That the officers did not wish for conditions 1(vi) or 1(viii) to be included
- That no complaints about noise from the premises had been received since 1996.

The Clerk of Bangor City Council submitted observations on behalf of Bangor residents and on behalf of the local member expressing concern about the potential of having more noise in the middle of the night should the application be approved, and added that residents preferred to complain via the Council or the local member rather than personally contacting the managers of any premises.

In supporting the application, the Manager of the Octagon reported:-

- That the application was made as a result of the wishes of customers for them to be open later mid-week as well
- That the intention was to open until 3.00 during the students term only, namely for 30 weeks per year
- That the managers were not willing to accept the recommendations of the Environmental Health Section, on grounds that the premises had its own noise prevention measures
- That staff stood outside when customers would leave and there were standard warnings in the premises encouraging people to leave quietly
- The premises Manager had only received two complaints, regarding taxis outside the premises. By now, taxis picked up customers from another location.

The applicants, the Police Licensing Co-ordinator, the Licensing Manager, the Environmental Health Officer – Pollution and the objectors left the meeting and the application was discussed by Sub-committee members, considering the four principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

In reaching a decision, the Sub-committee considered the applicant's opinion as well as the concerns of local residents and the conditions recommended by the Environmental Health Section.

**RESOLVED to approve as follows:**

1. **To change the hours for the sale of alcohol under paragraph M of the application on Wednesdays to read:**
  - **11.00hours to 3.00hours**
2. **To change the opening hours under paragraph O of the application on Wednesdays to read:**
  - **11.00hours to 3.30hours**
3. **The conditions relevant to noise, vibration, lights and odours which cause a nuisance have been outlined in an appendix prepared by the Environmental Health Section, to be included as a condition of the licence, with the exception of 1(vi) and 1(viii).**

The Propriety Officer reported that a letter would be sent to the applicant within a week, confirming the Sub-committee's decision, and to inform him of the right to appeal against the decision within three weeks of the date of that letter.

The meeting commenced at 10.30am and concluded at 12.45pm