
CENTRAL LICENSING SUB-COMMITTEE 19.11.09

Present: Councillors Eryl Jones-Williams (Chair); Robers Anderson; Ieuan Roberts.

Also present: Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Barbara Owen (Committee Officer).

Apology: Councillor Dewi Llewelyn (Local Member)

Others invited to the meeting:

Applicants:

On behalf of Shahin: Shahin Ali (Owner); Shojjad Ali and Mohammed Ali; James Anderson (Solicitor)

On behalf of the Police: Sergeant Bill Coppack; Mr Ian Williams (Licensing Coordinator, North Wales Police)

On behalf of the objectors: Mr Gwyn Hughes, Clerk, Bangor City Council

1. APPLICATION TO VARY PREMISES LICENCE FOR SHAHIN KEBAB HOUSE, 368 HIGH STREET, BANGOR

Submitted – the report of the Licensing Manager providing details of the application by Shahin Kebab House, 368 High Street, Bangor, to vary the premises licence to allow the hours for late night refreshment from 23.00 to 03.00 Sunday to Thursday, and 23.00 to 03.30 Friday and Saturday, with the premises closing at the same time. The current licence allows the hours for late night refreshment until 02.00 Sunday to Thursday and until 02.30 Friday and Saturday.

Reported – following the appropriate consultation period observations had been received from the Police, an email from the Local Member, letters on behalf of Bangor City Council and from a number of neighbouring residents, all stating their objection to the additional hours.

In considering the application, the following procedure was followed:

- i. Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- ii. The applicant was invited to expand on the application.
- iii. The consultees were given the opportunity to support their observations.
- iv. The licence holder or his representative were invited to respond to the observations
- v. Members of the Sub-committee were given an opportunity to ask questions of the licence holder
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultee.
- vii) The Applicant or his representative were given the opportunity to summarise their

case.

In supporting the observations made in the letter by the Police, Sergeant Bill Coppack reported that police officers had expressed concern because of a number of cases that had come to their attention of Managers selling late night refreshments outside the hours permitted by their premises licence. As a result of this, a meeting had been arranged with the owner to explain the conditions of the licence. However, no improvement had been seen, and a further meeting had been arranged between the owner, police officer and licensing officers on 13 July this year (i.e. a 'Stage 2') in order to reiterate the conditions of the licence and the implications of non-conformance. Despite this, on Thursday 24 September this year the premises had been open until 03.00, and again on 31 October, when between 13 and 15 customers had been observed purchasing food, despite the Sergeant standing outside in a prominent location. In view of the situation, the police officers proposed to submit an application to review the licence by reducing the hours.

The Sergeant added that the Police had obtained the agreement of various agencies within the city in connection with a general scheme which would assist in keeping the peace on the High Street and safeguarding the rights of local residents. Part of that scheme involved seeing the doors of all premises selling refreshments close at 02.30 so that their customers would leave the city to go home before customers from the nightclubs came out into the streets. Two of the main considerations of the discussions were the principles of the Licensing Act and safeguarding the rights of local residents. He reported that, should the Sub-committee approve the application, the police would then recommend strict conditions, but that they objected strongly to the application for the reasons noted.

The owner's solicitor was given the opportunity to reply to the police's observations, and he reported:

- that the company had held eight events during September and October this year under TENS licence by which permission had been granted for the sale of refreshments for additional hours, and that there had been no problems at all on these occasions.
- that the company was willing to employ door attendants during the early hours of the morning to control customers' behaviour
- that the owners believed that shutting the doors earlier (in accordance with the hours of the licence) would add to problems with behaviour through turning customers away
- that it was only fair to permit the same hours as a similar premises on the High Street
- that there was not adequate evidence for refusing the application on grounds of Prevention of Crime and Disorder or Prevention of Public Nuisance
- that the company achieved most of its profits during the latest opening hours
- that the owner was willing to take responsibility for clearing the rubbish outside within 15m either side of the main entrance

The solicitor added that the company had proposed amended hours to those stated in the application, including employing door attendants at certain times.

In supporting the observations of members of the City Council, the clerk reported that several letters had been received from local residents objecting to the application on grounds of the noise, rubbish and disorderly behaviour currently coming from shops selling late night refreshments. The customers were often drunk, sick and creating a public nuisance through their behaviour, and the residents were concerned that this would be extended by permitting the additional hours. Members of the Council were also very anxious to support the efforts of the police in their campaign to manage the behaviour of customers of the public houses, night clubs and shops selling late night refreshments for the benefit of the city residents.

The applicants, Police representatives, Licensing Manager and objectors left the meeting and the application was discussed by members of the Sub-committee who gave consideration to all the evidence submitted and addressed specifically the principles of the act, namely:

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

RESOLVED to refuse the application by Shahin Kebab House to vary the current licence

The Propriety Officer reported that he would be aiming to send a letter out within five working days informing the applicants of the decision of the Sub-committee, and informing them of their right to appeal against the decision within 21 days of receiving the letter.

2. APPLICATION TO VARY THE PREMISES LICENCE FOR SUBWAY, UNIT 25, DEINIOL CENTRE, BANGOR

Attending on behalf of Subway: Kathleen McMyler; Thomas Pritchard (Subway Manager)

On behalf of the objectors: Mr Gwyn Hughes, Clerk, Bangor City Council

Submitted – the report of the Licensing Manager providing details of the application by Subway, Unit 25, Deiniol Centre, Bangor, to vary the premises licence to permit the provision of late night refreshments from 23.00 to 02.30 every day of the week, and the playing of recorded music from 07.45 to 02.30 Monday to Saturday and from 10.00 to 02.30 on Sunday, with the premises closing at 02.30 every night. The existing licence permits the provision of late night refreshments from 23.00 to 02.00 on Wednesday, Friday and Saturday with recorded music from 07.45 to 02.00 on the same days, and the opening hours of the premises from 07.45 to 20.00 on Monday, Tuesday and Thursday, and from 07.45 to 02.00 on Friday and Saturday.

It was reported that, following the appropriate consultation period, a letter on behalf of Bangor City Council had been received objecting to the additional hours on the grounds of noise late at night, public nuisance and adding to litter problems.

In considering the application, the following procedure was followed:

- i. Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- ii. The applicant was invited to expand on the application.
- iii. The consultee was given the opportunity to support his observations.
- iv. The licence holder or his representative were invited to respond to the observations
- v. Members of the Sub-committee were given an opportunity to ask questions of the licence holder
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultee.
- vii. The Applicant or his representative were given the opportunity to summarise their

case.

In supporting the observations of members of the City Council, the clerk reported that neighbouring residents objected to the application because of the existing problems relating to noise and rubbish. Litter was a major problem as a result of Subway customers throwing papers and boxes on the road outside, and since the site was adjacent to a taxi rank extending the hours would add to the noise created by customers going home. He added that the Council Offices were situated nearby and that the office staff sometimes had to clear rubbish upon their arrival for work in the morning.

The manager of the premises was given the opportunity to support the application, and he reported that they were anxious to obtain the same terms as other similar establishments on the High Street, although it was not anticipated that they would be using the additional hours every day of the year. He added that the premises staff were very anxious to collaborate with the police by managing the behaviour of customers and collecting any litter left every night. He reported that no incidents of Crime and Disorder had been reported relating to the premises, and therefore employing staff specifically to control customers was not something that had been considered.

The applicants, Licensing Manager and the objector left the meeting and the application was discussed by members of the Sub-committee who gave consideration to all the evidence submitted and addressed specifically the principles of the act, namely:

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

In discussing the application, it was stated that it was not anticipated that approving the application would lead to any problems.

RESOLVED to grant a premises licence for Subway, Unit 25 Deiniol Centre, Bangor as follows:

- i) **Provision of late night refreshments from 23.00 to 02.30 every day of the week**
- ii) **The premises to be open from 07.45 to 02.30 Monday to Saturday and from 10.00 to 02.30 on Sunday**
- iii) **The playing of recorded music from 07.45 to 02.30 Monday to Saturday and from 10.00 to 02.30 on Sunday**

The Propriety Officer reported that a letter would be sent out within five working days informing the applicants of the decision of the Sub-committee, and also informing them of their right to appeal against the decision of the Sub-committee.

The meeting commenced at 11.00am and ended at 12.40pm.