

COMMITTEE: CENTRAL LICENSING COMMITTEE
DATE: 22 OCTOBER 2010
TITLE: BANGOR BLUES - UPDATE
PURPOSE: FOR INFORMATION
AUTHOR: LICENSING MANAGER

BACKGROUND

I'm sure you remember that this premises, under its former name, O'Shea's, was brought before the Licensing Sub-Committee on 13 March 2009 in response to a request received by the Police to review its licence. The Sub-committee's decision at that time was to revoke the licence for a six week period.

Following this period, when the name of the property was changed to Bangor Blues, there was a new Designated Premises Supervisor and the premises were reopened during May 2009.

Unfortunately, further evidence was obtained of unacceptable practices which lead to the Police submitting a request for a review once more. The Licensing Sub-Committee heard the case on 21 October, 2009 when it was decided by the Sub-committee to revoke the licence.

Court Proceedings

An appeal was lodged against this decision, and as an appeal had been lodged, the premises were allowed to remain open until the appeal hearing.

The appeal had been scheduled for 21 May, 2010, at the Magistrates' Court. This date was changed when it was realised that it would not be possible to conduct the case within one day. It was rescheduled, and the case was held on 7-8 September, 2010 at Caernarfon Magistrates' Court.

Evidence was submitted on behalf of the Council by Councillor Tudor Owen, Chairman of the Licensing Sub-committee who had heard the case on 21 October, 2009; Councillor Dewi Llewelyn, the local member, who had submitted evidence at the Sub-committee hearing and Sergeant William Coppack, who represented the Police, the body that had originally submitted the application for a review. On behalf of Bangor Blues, evidence was submitted by Richard Williams, the licensee, and Charles Hughes, the Designated Premises Supervisor.

During the hearing, which lasted for a day and a half, the Magistrates were given an opportunity to challenge the evidence submitted to them, namely the evidence submitted to the Sub-committee along with relevant information from the time when the premises had been open following the appeal. Following this, the Magistrates decided to refuse the appeal and to support the Council in its decision. In addition, the licensee, Richard Williams was ordered to pay £4,500 towards the Council's costs.

Mr Williams has the right to ask for a Case Statement, at point of law, and he would have to ask for this before 29 October, 2010, or for a Judicial Review on the grounds of illegal,

unreasonable behaviour or operational inconsistency on behalf of the Court, and he would need to do this by 8 December, 2010.

Unlike what had taken place following the Sub-committee's decision, even if an appeal is received for whatever reason, he has no right for the premises to remain open as a licensed establishment. If a Case Statement or a Judicial Review is not requested, and that the current situation continues, the only way in which this premises can open once more as a licensed premises is if a NEW licence application is received, and there would be a need, at that time, to follow the usual procedure of dealing with such an application, and it would be a matter for the Sub-committee at that time to judge any application, should any objections to that application be received.

RECOMMENDATION

It is recommended that the Committee accepts the report for information.