

---

## CENTRAL LICENSING SUB-COMMITTEE, 24/01/11

---

**Present:** Councillor Evie Morgan Jones (Chairman)  
Councillors W. Tudor Owen and Peter Read

**Also present:** Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager), Geraint B. Edwards (Solicitor), Euron Thomas (Senior Environmental Health Officer - Pollution) and Gwyn Parry Williams (Committee Officer).

### **1. APPLICATION FOR A PREMISES LICENCE – ROBINSON BUILDING, DEINIOL ROAD, BANGOR**

#### **Others invited to the meeting:**

**On behalf of Robinson Building, Deiniol Road, Bangor:** Mrs Cheryl Wright (Applicant), Mr Mike Goodwin (Estates Officer) and Mr Skip Belton (Architect).

**Representing the Police:** Mr Ian Williams (Licensing Co-ordinator) and Constable Gwenno Jones.

**Representing the objectors:** Councillor John Martin (Bangor City Council), Mr Paul Mayer, Mrs Wendy Mayer, Mrs Eluned Taylor, Mr Alun Huws, Mr John Wilce.

**Local Members:** Councillors June Marshall and Keith Marshall

Submitted - the report of the Licensing Manager providing details of an application on behalf of Robinson Building, Deiniol Road, Bangor for a premises licence to permit plays, film, live and recorded music, dance, supply of alcohol and provision of hot food between 19.00 and 02.00 Mondays to Thursdays and between 19.00 and 02.30 Fridays to Saturdays, with the premises to close half an hour later. The premises would not be open on Sundays.

It was reported, following the appropriate consultation period, that the Police, the Fire and Rescue Service nor the Environmental Health Department had any objection to the application with conditions. Observations had been received from the Planning Service. Bangor City Council objected to the application and an e-mail had been received from the local members and letters had been received from some of the neighbouring residents also objecting to the application.

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

- i. The Applicant was invited to expand on the application.
- ii. Members of the Sub-committee were given an opportunity to ask questions of the applicant.
- iii. The licensee, or his representative, was invited to respond to the observations.
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- v. The Applicant and licensee, or his representative, were given an opportunity to

summarise their case.

When supporting the application, the applicant informed the Sub-committee that a planning application had been approved by the Planning Committee in December 2010 to change the use of the building from academic use to mixed use including a nightclub and student offices. She was of the opinion that they had addressed the main concerns raised in relation to operating the facility. It was noted that they had already ran a similar establishment successfully less than 200 yards from the site in question, namely the former "Time" nightclub. It was emphasised that the premises would be open to local young people, as well as students. She also noted that students had an economic impact on the city and that it was important that a social facility like this was available for them. It was confirmed that the premises would be run by the University, not the Students' Union, and that the licensee would be accountable to the University. She confirmed that appropriately trained door staff would be employed. CCTV would also be installed in the building and on the doors. The persons responsible for running the establishment would be experienced.

In response to concerns regarding the suitability of the building, the applicant explained that the walls were suitable. Nevertheless, the entire building would be renovated and the external windows would be blocked. The roof was the greatest problem and a new roof would be installed, and it, as well as the ceiling, would be insulated. The alterations would create a "box" within the building to prevent noise from escaping. She confirmed that they accepted the conditions recommended by the Environmental Health Department and that the designers of the building were confident that those conditions could be satisfied. They also accepted the suggestion of having a telephone number that nearby residents could call should there be noise problems, but that someone would already be accountable for managing the noise, namely the licensee.

The consultees were invited to support any observations submitted by letter and Mr Ian Williams, Police's Licensing Co-ordinator, reported that he did not have any objection to the application subject to the conditions suggested by them being imposed on the licence. This was an application for a new building and as it had not been licensed in the past, there was no direct evidence of problems relating to the premises. He noted that a letter received from one of the residents made a request to the police for crime statistics. He could not comment on them as he had not seen the statistics, however, he informed the Sub-committee that the statistics required to be submitted by the police had to be directly related to the premises in question. Maybe there was evidence of crime and disorder in the area, but it was not specific to this premises. He noted that people tended to walk past this area when they walked up to/down from Upper Bangor. The applicant was willing to collaborate with the police and agreed with the conditions that they had requested. The conditions noted by the applicant in Part P of the application form should also be included on the licence.

The Senior Environmental Health Officer – Pollution referred to the conditions recommended to be imposed on the licence in relation to managing noise from the premises. He noted that this was a new development; therefore, there was no history of problems. Nevertheless, he did have concerns relating to noise emanating from the building as a result of the entertainment intended to be held there. Consequently, he proposed conditions to resolve those problems. He submitted different conditions to those originally proposed and explained that the new conditions were stricter and adhered to the conditions imposed on the planning permission. He explained also that there was a further condition on the planning permission that meant that the applicant had to prove that the premises complied with the noise requirements before it could be opened at all.

He explained also that the department could not provide a 24 hour service to respond to problems but that any complaints received would be addressed in accordance with the department's procedure for dealing with noise complaints. That could include installing machines or visiting houses to monitor the noise level outside normal hours. He was of the opinion that imposing conditions asking for a designated individual to be responsible for managing noise and to provide a telephone number for residents was a good idea.

All the objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- There was no objection to the principle of having a nightclub, but that the location or structure of the building was not fit for purpose. The building had not been built for this purpose and the roof was particularly unsuitable. Reference was made to the houses near the premises and the impact of the noise on the residents of those houses.
- That it would create anti-social behaviour with people leaving the premises in the early hours of the morning thus harming the quality of life of the local residents.
- The noise that would be likely to emanate from the club and that it was not possible to monitor the noise conditions during the early hours of the morning.
- The likely noise, disorder and anti-social behaviour when people left and the impact of that on the residents of Upper Bangor because it was anticipated that the majority of the nightclub-goers would be students and would be returning to the hostels in Upper Bangor. It was anticipated that there would be more problems for the police.
- That there was a chemicals storage area at the rear of the building and that it was not secured adequately from the customers of the proposed nightclub.
- That consideration should be given to locating the nightclub in a different location or to reduce the hours requested.
- That the previous club (Time), was the opposite of what the applicant had said as it had caused many problems for local residents.
- Should the application be approved, a competent officer should be appointed to be responsible for managing the noise and that a telephone number should be available so that residents could contact if noise nuisance existed.
- That the recommendation of the Environmental Health Department and the Planning Department was to refuse the planning application.
- That statistics showed that crime levels in this area were high and that the majority of the crimes took place between 11.00pm and 2.00am. It was noted that 19 out of 42 incidents had happened in the Time nightclub over a period. It was said that the figures were four times as high during the academic year and that the current figures were low as there was no nightclub there at present.
- That locating the club in the building in question would cause more problems as it was closer to residential houses than the previous club had been.
- That people urinated in the gardens of nearby houses and on vehicles.

The applicant, the local members, the Licensing Manager, the Senior Environmental Health Officer – Pollution, police representatives and objectors 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 -

- Prevention of Crime and Disorder – it was noted that the police did not object to the application, subject to conditions, as it was a new application and therefore, they did not have any evidence relating to the premises. Consideration was also given to the evidence submitted by an objector of crime statistics for the area surrounding the premises, but that they could not be attributed to this particular premises.
- Public Safety – consideration was given to the concerns in relation to the chemicals storage area, however, the Sub-committee was satisfied that the storage area would meet the specific requirements of health and safety legislation and that this would be controlled by the appropriate agencies. Therefore, there was no justification under this heading to restrict or refuse the application.

- Prevention of Public Nuisance – whilst acknowledging the concerns of the objectors, the Sub-committee had considered the professional opinion of the Senior Environmental Health Officer and was satisfied that imposing the conditions he had proposed would ensure sufficient measures for managing noise from the premises. However, the Sub-committee was concerned about the impact that so many people leaving the premises in the early hours of the morning would have on nearby residents, in particular as a vast majority of them would be returning home through Upper Bangor. The members believed that this would create noise and anti-social behaviour. Consideration was given to the evidence of the residents regarding the problems experienced in the past with the previous nightclub. Although the application related to a different building, the intention was to provide a nightclub that would replace the previous one. It would attract the same type of customers, would provide a similar facility and it would be located in close proximity to the site of its predecessor. The Sub-committee was therefore of the opinion that there was a need to reduce the hours requested in order to alleviate the impact of the noise and the anti-social behaviour that would be created by people leaving the premises.
- Protection of Children from Harm - no evidence relating to this objective had been submitted.

**RESOLVED to approve a premises licence for the Robinson Building, Deiniol Road, Bangor, as follows -**

- a) To allow Plays (A); Films (B); Live Music (E); Recorded Music (F); Performances of Dance (G); Provision of facilities for making music (I); Provision of facilities for dancing (J); Provision of facilities for entertainment of a similar description to that falling within paragraphs I or J (K); Supply of alcohol for consumption on the premises (M):**
- Mondays to Thursdays from 19.00 to 00.30
  - Fridays to Saturdays from 19.00 to 01.00
- b) To allow late night refreshment (L):**
- Mondays to Thursdays from 23.00 to 00.30
  - Fridays to Saturdays from 23.00 to 01.00
- c) To allow the hours the premises are open to the public under paragraph O from 19.00 to 01.00 Mondays to Thursdays and from 19.00 to 01.30 on Fridays and Saturdays.**
- ch) To impose the following conditions outlined by the Police -**
- i) Any person exercising a security activity (as defined by paragraph 2(1) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Such a person will be employed at the premises at all times when the premises is open to the public.**
- ii) All drinks to be served in shatterproof, non-breakable glasses or bottles approved by the Local Authority and the Police. If no plastic bottles are available, then the contents of the glass bottle to be decanted into plastic glasses.**
- iii) Digital CCTV coverage to monitor all areas open to the public including all entrances/exits (excluding inside the toilets). CCTV footage to be retained for 30 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply at the time, then the relevant footage to be taken to the nearest office of that authority (in this case, Bangor Police Station) as soon as practicable, and in any case within 48 hours.**
- d) To impose the following conditions outlined by the Senior Environmental Health Officer -**
- i) The internal  $L_{Aeq}$  (5min) sound level and the  $L_{Aeq}$  (5min) sound level for the 31.5Hz, 63Hz and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties. For the purpose of this condition,  $L_{Aeq}$  is as defined in BS4142:1997.**
- ii) To prevent noise or vibration emanating from the premises, doors and windows at the**

premises shall be kept closed during regulated entertainment.

iii) Should Gwynedd Council obtain evidence following the publication of this licence that condition 1 is not being adhered to, the premises owner shall carry out the following

- Carry out necessary noise insulation / abatement works to ensure that the premises complies with condition 1, and/or
- Install a noise control device in the room(s) where entertainment is held. The device will be established so as to cut the electricity supply of any amplification system or to withstand an increase in the noise level above what has been established as the permitted maximum.

iv) Any noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.

v) The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22.00 and 08.00. Empty bottles shall be stored in a lidded skip / bin within the curtilage of the premises.

vi) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.

vii) The premises' personal licence holder, designated premises supervisor and door supervisor shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

dd) It should be ensured that a telephone number is made available to nearby residents to use when the premises are open, so that they can make a complaint should the noise from the premises create a nuisance. A record of these calls to be kept so that they are available to the Environmental Health Officer if necessary.

e) That the steps described in paragraph P of the applications are to be included as conditions on the licence, namely -

i) All management staff to be SIA trained.

ii) Staff to be trained to spot potential incidents and reporting procedure to be in place.

iii) Venue checks to be carried out prior to, during and after venue closes.

iv) DPS to maintain police and local authority approved register of all door staff employed on premises which will include times that staff start and finish duty, their SIA badge number and name of company that employs them, if not DPS.

Register to remain on premises permanently, and for one year after completion, for inspection by local authority and police.

v) Risk assessments to be carried out conforming with all health and safety legislation.

vi) To conform to all requirements of the fire authority and all fire equipment to be maintained in accordance with statutory requirements.

vii) Electrical safety, building integrity and heating/ventilation system to be maintained by University maintenance team.

viii) All annual PAT testing to be completed.

ix) No glass or drink to be allowed off the premises. Patrons to leave any glassware brought to the venue outside with such glassware to be discarded internally by door staff.

x) Crowds to be dispersed at the end of the night by door supervisors who will be retained for half an hour after the premises closes to the public to monitor the crowd.

xi) No children to be permitted into the premises during normal operational licensed hours.

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and to inform them of the right to appeal against the decision within 21 days of the date of that letter.

The meeting commenced at 11.00am and concluded at 1.00pm