
CENTRAL LICENSING SUB-COMMITTEE, 03.02.11

Present: Councillor Gwilym Williams (Chairman)
Councillors W. Tudor Owen and W. Gareth Roberts

Also present: Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Gwyn Parry Williams (Committee Officer).

1. APPLICATION FOR A PREMISES LICENCE – CREPERIE CAFE, 19 HOLYHEAD ROAD, UPPER BANGOR, BANGOR

Others invited to the meeting:

On behalf of Creperie Cafe, 19 Holyhead Road, Upper Bangor, Bangor: Mrs Anna Gawronska-Guzek (Applicant)

Representing the objectors: Councillor June Marshall (Gwynedd Council Local Member and also a member of Bangor City Council)

Submitted – the report of the Licensing Manager, providing details of the application on behalf of Creperie Café, 19 Holyhead Road, Upper Bangor, Bangor, for a premises licence to permit the provision of late night refreshment between 23:00 and 02:30 every day of the week with the premises open to the public between 08:00 and 02:45 every day.

It was reported that, following the appropriate consultation period, neither the Police nor the Environmental Health Department had objections to the application. The Fire and Rescue Service and Trading Standards Section did not have any objection either. Observations had been submitted by the Planning Service notifying the Committee that it was looking into the planning status of the property suggesting that the licensing application should not be considered until this had been completed. Bangor City Council objected to the application and an e-mail from the local member had also been received objecting to the application. In response to a question, the Manager explained that there was a note on the file made by an Enforcement Officer, confirming that he had seen the necessary notice at the property when he had visited the premises during the statutory consultation period, and he had asked the applicant to move the poster higher up in the window.

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.

In supporting the application, the applicant notified the Committee that she had submitted the application as many of her customers were students who came to the premises to buy food late at night. She acknowledged that there were some quiet periods during the day but that the business was busier during the evenings. The business was first opened in October 2010 and she was of the opinion that the premises needed to be open after 23:00 in order to succeed.

She noted that other nearby food outlets were already operating within the hours requested. She confirmed that she did not sell alcohol and that she had no intention to do so in the future. She was willing to accept the need to install CCTV as a condition. In response to a question from the members, the applicant confirmed that the provision of hot food i.e. the act of supplying customers with food, would take place within the building.

The local member took advantage of the opportunity to reiterate the observations submitted in writing and specifically noted the following points -

- That currently, there was no planning permission for this use. She referred to a planning application refused on appeal in September 1995 mainly as the inspector believed that it would affect the amenities of the residents of Britannia Square situated nearby the premises in question. She noted that this reason was relevant to the licensing principles.
- That permitting the property to be open until 02:30, seven days a week, would cause a nuisance for the elderly/vulnerable residents living in the Britannia Square flats.
- That the premises had been run as a café, tenanted with a local person, until two years previously, but he had been forced to leave as there was no planning permission for the use.

The applicant, the local member and the Licensing Manger 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 – it was considered that the Police had no objection to the application and no evidence had been submitted of problems deriving from this particular premises.
- Public Safety - no relevant evidence had been presented in relation to this licensing objective.
- Public Nuisance Prevention – the concerns of the objectors that approving the application would lead to creating a nuisance for the Britannia Square residents in particular were noted. It was obvious that there was general concern regarding the situation in Upper Bangor in relation to nuisance caused late at night and in the early hours of the morning. However, this premises had not been open during those hours and there was no evidence to show that any problems had arisen during the current opening hours. Under the circumstances, therefore, there was no sufficient evidence of public nuisance to hand that would justify restricting or refusing the application.
- Protection of Children from Harm - no evidence relating to this objective had been submitted.

RESOLVED to approve a premises licence for the Creperie Café, 19 Holyhead Road, Upper Bangor, Bangor, as follows -

- a) To approve the provision of late night refreshment under paragraph L, between 23:00 and 02:30 every day of the week.**
- b) To approve the hours for the premises to be open to the public under paragraph O between 08.00 and 02.45 every day of the week.**
- c) That CCTV is to be used. CCTV footage to be retained for 31 days and to be handed to the Police, or any other relevant, responsible authority on request, or if this is not possible, within a 48 hour window.**
- ch) That the premises is to be kept tidy at all times, internally and externally.**

d) That the fire equipment is examined and serviced on an annual basis.

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 2.00pm and concluded at 3.00pm.