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## CENTRAL LICENSING SUB-COMMITTEE, 18.10.12

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**Present:** Councillor W. Tudor Owen (Chairman)  
Councillors Ann Williams, Elfed Williams

**Also present:** Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager), Sheryl Le Bon Jones (Operational Systems Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer)

### **1. APPLICATION TO REVIEW PREMISES LICENCE – KING’S ARMS, 206 HIGH STREET, BANGOR**

#### **Others invited to the Meeting:**

**Applicant:** Sergeant Bill Coppack (North Wales Police)

**Others representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

**Representing King’s Arms, 206, High Street, Bangor:** Mr Alexander Richards (Licensee)

**Local Member:** Councillor Gwynfor Edwards

The report of the Licensing Manager was submitted providing details of the application from North Wales Police to review the licence of the Kings Arms, 206, High Street, Bangor following a specific incident which highlighted that the Designated Premises Supervisor (DPS) and others employed by the business had not been using the CCTV equipment correctly, contrary to the CCTV arrangements condition on the premises licence to ensure compliance with the objectives of the Licensing Act 2003. The police noted that the current condition in relation to CCTV on the premises was insufficient and that the current CCTV system used was also insufficient. The police’s recommendation was that the current condition should be deleted from the licence and an amended condition imposed in relation to the use of CCTV on the premises. No observations were received on the police’s 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.

On behalf of the police, Sergeant Bill Coppack referred to an incident outside the premises on 17 June 2012 when a young person had been assaulted and injured. The information provided by witnesses had noted that the offender had attempted to gain entry to the premises and should therefore have been caught on the premises' CCTV system. The police investigation revealed that the CCTV cameras had been pointing in the opposite direction and therefore this incident had not been recorded. He noted that the current condition regarding CCTV on the premises licence was inadequate and that the current CCTV system was also inadequate, and that it should be removed and replaced with an amended condition.

He noted that he had visited the premises in the last few days and discovered that the digital CCTV system that had been installed on the premises now complied with the conditions that had been requested. It was understood that the licensee had no objection to the amended condition.

The licensee agreed that the previous CCTV system had not complied with the requirements but he confirmed that the latest system corresponded with what had been requested. He also confirmed that he was satisfied with the condition that the police had recommended.

As the relevant parties had reached an agreement with regards to the amended condition and that no other observations or evidence had been submitted regarding any other problems with the premises, the sub-committee agreed to the review.

**RESOLVED to amend the conditions of the licence by adding the following conditions -**

- a) A digital CCTV system will be installed and will work to such a standard that the Police and Local Authority can monitor both the interior and exterior of the premises.**
- b) Lighting in the location must be of sufficient brightness and quality to identify persons within the premises on the CCTV system.**
- c) The CCTV system will record and retain images of all times when members of the public are on the premises, for a minimum of 31 days.**
- ch) Images will be surrendered on request to the police or local authority at the time the request is made and the premises will ensure that it has the appropriate software available to comply with this condition. If they are unable to comply with this condition the persons responsible for the premises must be aware of the possibility of having the premises licence reviewed.**
- d) There must be a minimum of one trained member of staff available to download evidence at the request of the police or an authorised officer when the premises are open.**
- dd) CCTV warning signs shall be fitted and clearly displayed in public areas of the premises.**
- e) Recordings of incidents must be kept secure for inspection by the police.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, notifying the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of receiving that letter.

## **2. APPLICATION TO VARY PREMISES LICENCE – PYRAMID, 215 HIGH STREET, BANGOR**

### **Others invited to the Meeting:**

**Applicant:** Sergeant Bill Coppack (North Wales Police)

**Others representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

**Representing Pyramid, 215 High Street, Bangor:** Mr Walid Mohamed Hussein-Fadil (Licensee), Mrs Jan Hussein-Fadil, Ms Kayleigh Edwards and Mr Almir Musto Fo Bani

**Local Member:** Councillor Gwynfor Edwards

The report of the Licensing Manager was submitted providing details of an application from North Wales Police to review the licence of Pyramid, 215, High Street, Bangor as specific incidents of failure to comply with the premises licence conditions were made apparent between June and August 2012; where the Police had attested that customers were being served refreshments later than the opening hours noted on the current licence. Due to these incidents of breach of conditions; the Police had implemented enforcement steps against the licensee and the premises was now on step 2 of the enforcement ladder in order to ensure compliance with the Licensing Act 2003. In response to the incidents of breach of conditions the Police had requested that the premises licence be revoked for a three month period; and in addition for the licence condition to be amended in relation to hours of licensed activity and opening hours. It was recommended that the hours for late night opening and the sales of refreshments be reduced by 30 minutes, for each day of the week. No observations were received on the Police's application but observations were received by the licensee.

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.

On behalf of the Police, Sergeant Bill Coppack informed the committee that the licence had been granted earlier this year. He noted that on three occasions, namely 17 June and 20 and 29 July 2012 it had been discovered that the premises was serving customers after the closing time and was therefore in breach of the licence conditions. Consequently, rather than submitting an application for a review immediately, he noted that the police's policy was to consider whether or not an action plan was appropriate. Given that the property had only opened fairly recently and that three incidents of breach of conditions had taken place, it had been decided to implement an action plan that would be equivalent to step 2 of the enforcement ladder. He noted that step 1 was informal whereby the premises would be visited and minor breaches of conditions would be discussed and expected to be corrected. In relation to step 2, this was more formal and involved holding a formal meeting that would be recorded. Implementing an action plan would involve crime and disorder prevention and as the breach of conditions involved the opening hours of the premises an action plan would not be appropriate in this case. In light of this, the application was submitted to review the premises licence. The importance of complying with the conditions was emphasised to the licensee in the step 2 meeting on 2 August 2012 and that the premises should close at 02.00 from Sunday to Tuesday and at 02.30 from Wednesday to Saturday. He referred to the police's visit to the

premises on 27 August 2012 when it had been discovered that customers were being served at 02.20 which was contrary to the conditions of the licence. The police, on the same night, had also discovered that the screens on the windows were partly closed and that customers were being let in and out of the property. Due to all the incidents of breach of conditions he asked for the licence to be revoked for a three month period and the permitted opening hours for sales of late night refreshments to be reduced by 30 minutes, every night of the week. However, he was willing to leave the matter of revoking the licence for a period of three months to the members of the sub-committee to decide if that was appropriate in this case, but he was of the opinion that the hours should be reduced. Should the premises wish to vary the licence back to the current hours following an appropriate period of time, and subject to the premises' compliance with the opening hours and the conditions imposed, the police would consider approving the application to be processed without objection. He acknowledged that it was a difficult time for businesses to succeed but he emphasised once again the need for such establishments in Bangor to comply with the conditions imposed and that they should all close at the same time. In response to a question by the Sub-committee, the Sergeant confirmed that there had been no record of any trouble inside or outside the premises during the hours when the premises were open that were contrary to the conditions of the licence. One incident had taken place but it had happened during official opening hours.

In response to the above, the licensee noted the following observations -

- He had not sold food to customers after the closing time but it was understood that friends of the premises' manager had obtained food there after the closing time and he apologised for this.
- The premises was very busy between 01.00 and 02.30 and he would not be happy for the licence to be revoked for three months or for the hours to be reduced as it would have an impact on the future of his business.
- He had not breached the conditions intentionally and he promised to adhere to them in future. He asked for a second chance.
- There had been good co-operation between himself and the police since the licence was permitted.

Sergeant Bill Coppack further noted that he had received evidence from two of his officers of customers leaving the premises on 27 August 2012 after the closing time with hot food that had been sold there.

The relevant parties left the meeting and the application was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely:

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

The Sub-committee was of the opinion that opening the premises contrary to the conditions of the licence was a serious matter and was unacceptable. Nevertheless, consideration was given to the fact that no evidence of trouble in terms of crime and disorder prevention or public nuisance had been raised as a direct result. Consideration was also given to the fact that the licence had been permitted earlier this year along with the licensee's explanation and his pledge that such a situation would not happen again. Therefore, taking everything into consideration, the members were of the opinion that the licence should not be revoked for three months and that the hours should not be reduced, and that the licensee should be given a second chance. However, he should be warned if the conditions of the licence were breached again, then it would be considered to be a very serious matter.

**RESOLVED**

- a) To refuse the police's application.
- b) To continue with the hours noted on the current licence and to give the licensee a second chance and to warn him that should the matter be brought before the Sub-committee again, it would be considered a very serious matter.

The Compliance and Language Manager reported that he would aim to send a letter within five working days, notifying the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of receiving that letter.

### **3. APPLICATION FOR A VARIATION OF PREMISES LICENCE – DOMINOS PIZZA, WILLIS HALL, HIGH STREET, BANGOR**

#### **Others invited to the Meeting:**

**Representing Dominos Pizza, Willis Hall, High Street, Bangor:** Ms Fiona Hanslow (Area Manager)

**Representing the Police:** Sergeant Bill Coppack and Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

**Local Member:** Councillor Gwynfor Edwards

The report of the Licensing Manager was submitted giving details of an application on behalf of Domino's Pizza, Willis Hall, High Street, Bangor to vary its licence to permit extending the opening hours for the sale of late night refreshments from 11.00 until 05.00, every day of the week.

It was reported, following the appropriate consultation period, that the Fire and Rescue Service had no objection to the application. No response had been received from the local member, neighbouring residents or the Public Protection Service. Bangor City Council objected to the application. The police had no objection to the application, since following a discussion with the applicant, it had been agreed to significantly amend the hours requested in the application. In addition to the hours on the current licence, it was now requested to open until 02:30am on Thursday evenings. The police noted that this would not affect home delivery of food in response to telephone orders. An e-mail was received from the Council's Planning Service referring to a specific condition imposed on the planning permission granted to the business. The hours requested in the original application, or the amended hours agreed between the applicant and the police did not comply with the planning condition. The applicant would be required to make a formal application to vary the planning condition in relation to opening 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.  
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- ii) The applicant was invited to expand on the application.
- iii) Consultees were given an opportunity to support their observations.
- iv) The licensee, or his representative, was invited to respond to the observations.

- v) Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi) <<Members of the Sub-committee were given an opportunity to ask questions of the consultees
- vii) <<The applicant or his representative were given an opportunity to summarise their case.

In supporting the application, the applicant's representative accepted the police's observations to amend the hours to 02.30 on Thursday evenings.

The consultees were invited to support any representations submitted by letter, and Sergeant Bill Coppack reported that it had been agreed to amend the hours to 02.30 on Thursday evenings following a discussion with the applicant.

As the relevant parties had reached an agreement with regard to amending the opening hours on Thursday evenings, and since no further evidence had been submitted to suggest there were any problems with the premises, the members had no objection to the application.

**RESOLVED to approve the variation to the licence of Domino's Pizza, Neuadd Willis, High Street, Bangor, as follows –**

- a) **To permit the provision of late night refreshments under paragraph L as follows –**
  - **Sunday to Wednesday – between 23.00 and 01.00 (as in the existing licence)**
  - **Thursday – between 23.00 and 02.30**
  - **Friday and Saturday – between 23.00 and 02.30 (as in the existing licence)**
- b) **To permit the premises to be open to the public under paragraph O as follows –**
  - **Sunday to Wednesday – between 07.00 and 01.00 (as in the existing licence)**
  - **Thursday – between 07.00 and 02.30**
  - **Friday and Saturday – between 07.00 and 02.30 (as in the existing licence)**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, notifying the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 10.30am and concluded at 11.50am.

