



Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

PWYLLGOR TRWYDDEDU CANOLOG
CENTRAL LICENSING COMMITTEE

Dyddiad ac Amser / Date and Time

10:00yb DYDD LLUN, 16 MEDI 2013
10:00am MONDAY, 16 SEPTEMBER 2013

Lleoliad / Location

SIAMBR ARFON,
SWYDDFEYDD Y CYNGOR,
SAFLE PENRALLT
CAERNARFON

Pwynt Cyswllt / Contact Point

LOWRI HAF EVANS
(01286) 679665

lowrihafevans@gwynedd.gov.uk

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PWYLLGOR TRWYDDEDU CANOLOG

CENTRAL LICENSING COMMITTEE

Aelodaeth/Membership (15)

Plaid Cymru (7)

Y Cynghorwyr/Councillors

Eddie Dogan Huw Edwards

Annwen Hughes Chris Hughes

W. Tudor Owen Ann Williams

Gethin G. Williams

Annibynnol/Independent (4)

Y Cynghorwyr/Councillors

Eryl Jones-Williams Christopher O'Neal

Angela Russell Elfed Williams

Llais Gwynedd (4)

Y Cynghorwyr/Councillors

Llywarch Bowen Jones Peter Read

Gruffydd Williams Sedd wag / Vacant seat

Aelod Ex-officio/Ex-officio Member

Is-gadeirydd y Cyngor/Vice-chairman of the Council

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL CONNECTION

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

The Chairman shall propose that the minutes of the meeting of this Committee, held on 24 June 2013, be signed as a true record.

(copy herewith – **white** enclosure)

5. LICENSING SUB-COMMITTEE MINUTES

To submit, for information, minutes of the Licensing Sub-committee meetings held on the following dates:-

- (a) 5 June 2013
- (b) 4 July 2013
- (c) 31 July 2013

(copy herewith – **green** enclosures)

6. LETTER RECEIVED FROM BANGOR CITY COUNCIL – FOR DISCUSSION

(copy herewith – **gold** paper)

CENTRAL LICENSING COMMITTEE, 24.06.13

Present: Councillor W. Tudor Owen (Chairman)
Councillor Eryl Jones-Williams (Vice-chairman)

Councillors: Eddie Dogan, Huw Edwards, Annwen Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams

Also Present: Aled Davies (Head of Regulatory Department), Dafydd Edwards (Head of Finance Department), John Reynolds (Senior Public Protection Manager), Siôn Huws (Language and Compliance Manager), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer)

Apologies: Councillor Chris Hughes

Welcome

Councillor W. Tudor Owen was welcomed back to the committee following his recent surgery.

1. CHAIRMAN

RESOLVED to re-elect Councillor W. Tudor Owen as Chairman of the Committee for 2013/14.

2. VICE-CHAIRMAN

RESOLVED to elect Councillor Eryl Jones-Williams as Vice-chairman of the Committee for 2013/14.

3. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 4 March 2013, as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of meetings of the Central Licensing Sub-committee held on 22 February, 8 March, 27 March and 22 April 2013.

RESOLVED to accept the information.

Matter arising – Charing the Central / General Licensing Sub-committees

RESOLVED in addition to the Chairman and Vice-chairman of the Central/ General Licensing Sub-committees that Councillor Peter Read continues to chair the abovementioned sub-committees.

6. PROPOSED FEES AND CHARGES 2013/14 – PUBLIC PROTECTION DEPARTMENT

Submitted – the report of the Head of Regulatory Department on the Proposed Fees and Charges 2013/14 – Public Protection Department.

The Licensing Manager reported that many of the fees were to remain unchanged. They were statutory and there was no local control over the levy of them and they included fees relevant to the Gambling Act 2005 and the Licensing Act 2003. Some of the proposed fees would increase slightly in line with inflation. She noted that the only fees where significant changes were to be seen were -

- a) Fees for registering a person and premises for tattooing, body piercing, electrolysis and acupuncture
- b) Fees for sex establishments
- c) Fees for markets and fairs

In relation to tattooing, body piercing, electrolysis and acupuncture, those activities were controlled in accordance with the provisions of Part VIII, Local Government (Miscellaneous Provisions) Act 1982, sections 14 and 15. The act allowed authorities to charge "such reasonable fees as they may determine" to register persons and business premises for the purpose of those activities. The primary objective of registration was to protect the health of the public and avoid transmission of infectious diseases. The fees set for this purpose must not be prohibitive. Previously, the same fee had been charged for registration of premises and persons. Officers had taken the decision based on experience that the charge per person was prohibitive and it discouraged new persons opening at a business premises from registering. She recommended that the fee for certificate of registration of premises be increased from £76 to £100 and to reduce the fee for registration of a person from £76 to £35.

She noted that sex establishments (sex shops) were licensed by virtue of Part 11, Schedule 3 and section 6 of the Local Government (Miscellaneous Provisions) Act 1982. Many Local Authorities in the past had set relatively high fees for the administration of the grant, renewal or transfer of the fees. In 2012/13, the fees for sex establishments in Gwynedd were as follows -

- New application – £2,972
- Renewal - £1,486
- Transfer - £1,486

An assessment of the costs of processing those licences indicated that the fees charged were higher than the costs to the service. Section 19, Local Government (Miscellaneous Provisions) Act 1982 stated that Local Authorities may determine a fee which was reasonable. A recent ruling in a high profile case brought against Westminster City Council by the proprietors of seven

sex shops meant that Local Authorities could not continue to charge in excess of the actual cost of processing the licences for such establishments. She recommended that the fees payable for the application, renewal and transfer of a licence for 2013/14 be in accordance with the actual costs incurred by the Council as follows -

- New application – £268.07
- Renewal - £268.07
- Transfer - £268.07

In relation to markets and fairs, the officer noted that they had been located historically in some areas of Gwynedd, that it was important to maintain them and that high fees and payments would not prohibit them. However, the costs to the Council in respect of safe cash collection, refuse arrangements and market supervision duties were increasing. Consequently, she recommended to levy an increase of 10% in the fees for all licensed and casual stalls as well as fair stalls. She noted that a reduced fee had been introduced for fees paid annually electronically or by direct bank payment, as costs incurred by the Council for processing such payments were considerably less.

RESOLVED to approve the fees and payments for 2013/14.

The meeting commenced at 10:45am and concluded at 11:00am.

CENTRAL LICENSING SUB-COMMITTEE, 05.06.13

Present: Councillor Peter Read (Chairman)
Councillors Huw Edwards and Ann Williams

Also present: Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Euron Thomas (Environmental Health Officer – for application number 2) and Gwyn Parry Williams (Members' Support and Scrutiny Officer).

1. APPLICATION TO VARY PREMISES LICENCE – STAR KEBAB, 323 HIGH STREET, BANGOR

Others invited to the Meeting:

Representing Star Kebab, 323 High Street, Bangor: Mr Mhemet Kabadayi (Licence holder) and Mr David Farley (Solicitor)

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

Submitted – the report of the Licensing Manager giving details of an application from Star Kebab, 323 High Street, Bangor to vary the premises licence to allow an extension of one extra hour, namely between 23.00 and 03.00 Sunday to Thursday and between 23.00 and 03.30 on Fridays and Saturdays, for the licensed activity of providing late night refreshments.

She noted that on 12 January 2012, this sub-committee had approved a review of the premises licence by North Wales Police on grounds of evidence of crime and disorder and antisocial behaviour by the premises' customers. As a result of the review, the hours of licensed activities on the premises had been reduced to the current hours, along with additional conditions in relation to the provision of CCTV and door supervisors.

On 29 November 2012, this sub-committee had considered Temporary Events Notices by the licence holder to allow a one hour extension to the licensed hours on 15 occasions during December 2012. The police had submitted evidence of crime and disorder and reported on criminal offences and lack of compliance with the premises' licence conditions. The Temporary Events Notices had been approved by the sub-committee.

It was reported, following the appropriate consultation period, that observations and objection to the application had been received from North Wales Police on grounds of continuing problems with the premises, and evidence that the licence holder had not complied with some of the licence conditions.

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 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 was given an opportunity to summarise their case.

In support of the application, the solicitor representing the licence holder noted the following observations –

- The business had suffered recently which could cause the licence holder to go out of business in the near future.
- Following the review of the licence in January 2012 several changes had been made to the licence which included employing a door supervisor, which had improved the situation, and the CCTV system had also been upgraded.
- At the same meeting in January 2012, reference was made to the fact that reducing the hours of licensable activities was likely to promote the licensing objectives.
- If the hours on the current licence remained, it was anticipated that the premises would have to close. Permitting the extra hour, especially on Friday and Saturday nights, could create substantial income for the business, and there was demand for this after 02.30.
- The police had been asked to inspect the property in order to have their confirmation that the changes to the licence had been implemented.
- On quiet nights the premises were closed earlier therefore there was no need to employ a door supervisor.
- The application complied with the licensing objectives.
- Since this sub-committee's meeting in January 2012, only five incidents had taken place in relation to these premises, and three of these had been during the busy Christmas period.
- He acknowledged that the premises had opened later than the permitted hours on 15 and 16 September 2012, but this had been a misunderstanding on behalf of the licence holder.
- No complaints had been received from local residents.
- There was reference in the police's observations to an affray outside the premises, but this had not been associated with these premises.
- Generally, the relationship between the licence holder and the police had not been too good in the past.

The consultees were invited to support any observations submitted by letter, and Sergeant Bill Coppack reported that the licence had been reviewed by this sub-committee in January 2012 where it had been decided to approve the review and vary the licence to include additional conditions suggested by the police. During that meeting the police had reported on 18 offences committed on or near the premises. He noted that the application to hand today was for an additional hour every day of the week, but there was no reference to employing a door supervisor. He referred to incidents associated with the premises which included offences such as violent assaults. The police did not consider these incidents, or the failure to comply with the request to provide CCTV footage, as insignificant. He noted that the premises had been trading for 10 years and that the current licence was until 02.00, Sunday to Thursday, and until 02.30 on Fridays and Saturdays. He had compared these premises with other similar premises in Bangor with respect to offences, and the offences associated with these premises were significantly higher. No residents, apart from the licence holder, lived in this part of the street i.e. it was a commercial area. He referred to the fact that the local member had supported the

police's observations when the application to review the licence had been considered by this sub-committee on 22 February 2013. He was disappointed that Bangor City Council had not submitted observations on the application. In relation to the CCTV system, he noted that the premises had not complied with the condition between 2005 and 2012, nor had they complied with requirements to employ a door supervisor. There was also non-compliance with conditions relating to litter, controlling queues and monitoring nearby streets. Since this sub-committee's meeting on 22 February 2013, it had been noticed that the premises continued to sell food after the closing time. However, he drew attention to the fact that only two incidents of crime and disorder had occurred in association with the premises between January and August 2012, and also two incidents to date in 2013.

Inspector Neil Thomas notified the sub-committee that the number of offences had increased substantially in the city centre during the past years. However, last year there had been a reduction of around 30% in offences in Bangor. In relation to the premises in question, he referred to the fact that many people congregated inside and outside the premises and caused trouble. Since August 2012, they had witnessed a reduction in the cases of antisocial behaviour etc. associated with the premises because the hours for licensable activities had been reduced. He noted that the police's strategic framework was to try and reduce offending. He was of the opinion that if this application for a variation was approved, there would be an increase in the number of offences associated with the premises, and that the application should be refused.

The police were keen to show further evidence of the incidents through a DVD, but the members of the sub-committee, the licence holder nor his solicitor had seen this evidence beforehand. The agreement of all the relevant parties was required for this. The licence holder's solicitor objected to showing the DVD, and consequently, it was agreed not to show it.

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 –

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

Having considered all the evidence submitted, the members were of the opinion that the application should be approved for the following reasons –

a) That evidence had been heard from the police that 18 offences had occurred which were associated with the premises, and that there had been difficulties in terms of obtaining CCTV evidence, and non-compliance with conditions relating to litter, controlling queues and monitoring nearby streets.

b) That evidence had also been received that the premises had traded beyond its licensed hours on 15 and 16 September.

c) That evidence had been received that the premises did not comply with requirements in terms of having door supervisors.

ch) However, the sub-committee had received evidence that only two incidents of crime and disorder had occurred in relation to the premises between January and August 2012, and also two incidents to date in 2013.

d) The sub-committee noted that the premises during the period January to August 2012 had the same opening hours as those being requested in the application in question.

dd) The sub-committee had not received sufficient evidence that problems in respect of CCTV, door control and other historic problems continued to be problems in relation to the premises. In the circumstances, the sub-committee was not convinced that approving the application was likely to lead to the undermining of any of the licensing objectives, and that it would therefore promote these objectives.

RESOLVED to approve the variation to the licence of Star Kebab, 323 High Street, Bangor, as follows –

a) Approve the provision of late night refreshment (paragraph L) between 23.00 and 03.00 Sunday to Thursday and between 23.00 and 03.30 on Fridays and Saturdays.

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

2. APPLICATION TO REVIEW A PREMISES LICENCE – REHAB, STATION SQUARE, PWLLHELI

Others invited to the Meeting:

Applicant: Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Others representing the Police: Mr Eifion Jones (Police Community Support Officer)

Representing Rehab, Station Square, Pwllheli: Mr Colin Leadbetter (Licence holder)

Representing the objectors: Mr John Rees Jones

Apology: Inspector Mark Armstrong

Submitted – the report of the Licensing Manager giving details of an application from North Wales Police to review the premises licence of Rehab, Station Square, Pwllheli, following the premises' failure on three occasions in alcohol test purchases during test purchase campaigns held by the police between May and October 2012. The police had also received several complaints of music late at night from members of the public during this period. The application was made due to evidence that the licensing objectives of protecting children from harm and preventing public nuisance were being undermined.

In relation to protecting children from harm, she noted that girls aged 15 and 16 had managed to purchase alcohol from the premises on three occasions between May and October 2012 as part of the police's test purchase campaign. On the three occasions, the individuals had not been asked for their age or for proof of age by means of an ID card. In accordance with the police's enforcement policy, following the first test purchase failure, a 'stage 2' meeting was held with the licence holder where action points were agreed upon. Seven weeks later, the premises failed another test purchase, and as this was the second occasion within three months, the licence holder agreed to accept a Notice of Closure from the police, and consequently, the premises were closed for 72 hours on 16 August 2012. On 6 October 2012, alcohol was once again sold to an underage person during a test purchase campaign. On 12 February 2013, the licence holder appeared before the Magistrates' Court in Caernarfon where he was found guilty of selling alcohol repeatedly to people under the age of 18. He received a conditional discharge for 12 months and he was ordered to pay £85 in costs and a £15 victim surcharge.

With regard to preventing public nuisance, it was noted in the police's evidence that six calls had been received from members of the public between May 2012 and March 2013 due to the sound of loud music late at night. Music was permitted on the premises until 01:00 daily with a closing time of 02:00 daily. Every noise complaint received by the police referred to music being played after the hours permitted on the licence – between 01.08 and as late as 05.11 in one instance.

The police requested that the sub-committee considered using its powers to suspend the premises licence for a period of no longer than three months due to the licence holder's failure time after time to put measures in place to protect children from harm because of the repeated instances of selling alcohol to individuals under 18 years of age. It was suggested that suspending the licence for six weeks would be an adequate period.

It was reported, following the appropriate consultation period, that no observations had been received from the local member, Pwllheli Town Council or the Fire and Rescue Service. Observations had been received from a nearby resident supporting the review and referring to persistent problems that had affected him constantly since 2009. The resident complained of the sound of loud music and antisocial behaviour and noted that the premises' customers drank on the street despite the location being a Designated Public Place where the consumption of alcohol was not permitted. The complainant had brought his complaint to the Council's Public Protection Department. A letter and a report were also received from the Public Protection Officer, who also supported the review. Evidence was submitted by him of continual noise problems as a result of loud music late at night, which supported the comments of the police. Incidents of noise problems reported between July 2012 and the present day were elaborated upon. It was noted that the Council's Public Protection Officer, the Licensing Officer and the Police had held discussions during this period with the licence holder to seek a solution to the noise problem. Evidence had been gathered through noise monitoring equipment, and the neighbouring resident was advised to keep a record of the occasions when the noise was loud late at night. Despite several discussions and an agreement with the licence holder to reduce the noise to a level agreed to be acceptable, it was noted that the noise problems continued to the present day. The police's application to suspend the licence for a period was supported.

She drew members' attention to a letter received the day before from the licence holder's solicitor giving observations on the application. The Council's Solicitor noted that the letter had been received late and that the regulations in relation to licensing hearings noted that the relevant parties should agree whether or not to consider it. The Council's Licensing Co-ordinator was disappointed that this letter had been submitted late, and did not agree with some of the comments in it. However, the relevant parties agreed that it should be considered as part of the evidence.

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 invited 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.

Representing the police, Mr Ian Williams, Licensing Co-ordinator for the Police, noted that the basis for their application to review the premises licence was the fact that it had failed three consecutive test purchases, and that the licence holder had also been prosecuted for persistently selling alcohol to children, which undermined the licensing objective of protecting

children from harm. Several calls had also been received relating to noise coming from the premises late at night, which undermined the licensing objective of preventing public nuisance.

He expanded on the three test purchases carried out on 19 May, 7 June and 6 October 2012. He noted that the application for a review had been deferred until the court case had been held. He referred to six calls received between May 2012 and March 2013 relating to noise coming from the premises, with the times varying from 01.08 to 05.11. The premises' current licence permitted music until 01.00 every day of the week, with the premises to close to the public at 02.00 every day of the week. It was now understood that the premises currently opened between Thursday and Saturday nights. The Environmental Health Department's attention had been drawn to the noise complaints, and a meeting had been held with the licence holder at the end of August 2012 in an effort to address these complaints. He noted that the police's request was that the sub-committee exercised its powers to suspend the premises licence for a period of no longer than three months, but observed that a period of six weeks would be sufficient in this case.

In relation to the letter by the licence holder's solicitor, he noted that its content had been discussed with the Police's Legal Department, where it had been clarified that the sub-committee should consider this application separately to the court judgement.

With regard to preventing public nuisance, complaints had been received from the only person who lives nearby, and it was difficult to apprehend whether the noise had affected or was likely to affect other people. The solicitor claimed that the licence holder was not acting as the licence holder at the times when there had been loud music after the premises had closed. Only on one occasion when the police visited the premises following receipt of a complaint had the licence holder revealed that he was holding a private party. The solicitor also claimed that there was no additional evidence to confirm the complaints. He noted that the recording by the Public Protection Service of noise emanating from the premises had been disclosed to the licence holder at the meeting in August 2012. Although difficult to prove, the police did not accept that members of the public were not present at the premises after the closing time. He was not happy with the suggestion in the letter that the application had been submitted intentionally so that the licence holder lost out on the Wakestock Festival weekend. The application had been submitted in March 2013, and therefore following the statutory 28 day consultation period in which observations could be received, the hearing could have been held at the beginning of May 2013, but because of unavoidable circumstances, it had not been possible to conduct the hearing until today. Should the sub-committee have been held at the beginning of May 2013, and the sub-committee had decided at that time to suspend the licence for six weeks, that period of time would have lapsed by the Wakestock Festival in July. He was also of the opinion that the threat of an appeal should not be an obstruction to the sub-committee. If the decision went against the licence holder and that he appealed, he was of the opinion that the case should not be brought before the District Judge Shaw as he had listened to the original case. The premises had last been inspected in March 2013, and at the time the licence holder had passed the test purchase.

The Police's Licensing Co-ordinator noted that the Fire and Rescue Service had visited the premises the day before and had submitted observations on the application. In the absence of an officer from the service, the co-ordinator was willing to submit the observations. The solicitor stressed that the observations had not been received within the statutory 28 day period for receiving observations, and that the agreement of the relevant parties was required on whether or not they should be considered. The relevant parties agreed that the observations should be considered as follows –

- a) The Fire Risk Assessment was not suitable or sufficient.
- b) No Fire Safety Policy or Fire Evacuation Plan.
- c) The licence holder's knowledge of fire safety awareness and legislation was very poor. It would be a recommendation that he undertakes further training.

- ch) The ground floor bar level ceiling was covered in a non-fire resistant drape material – this would increase surface spread of flames and put members of the public at risk in the event of a fire. It also covered the fire detection and emergency lighting systems. The licence holder had confirmed that he would take it down.
- d) The premises' fire alarm system did not work and there was no evidence of any service records. This put members of the public at risk. This was a serious breach of the order and it was suggested that it was repaired immediately.
- dd) When asked if the licence holder could repair the system before opening on Thursday, he had said that he was financially unable to get it repaired and that he would prefer to close down until he had got it repaired. He would draft a letter to give to the Fire Service.
- e) There were no service records for the premises' emergency lighting but there was evidence of function testing. When asked to test them during the inspection, they did work. It would be beneficial to have a maintained emergency lighting above the fire door in the ground floor bar area. This would be a recommendation in the report.
- f) No detection or emergency lighting on the first or second floor levels of private accommodation, which put the licence holder at serious risk as the relevant person under the Order. This would need to be discussed with the line manager.
- ff) The fire exit route in the bar area on the ground floor was partly restricted with the position of chairs and some clutter had been found outside the fire exit door. This put members of the public at risk.
- g) The kitchen fire door caught on the rebate and the kitchen back door was broken and hung on one hinge.
- ng) The public could gain access to the bottle washing area etc. due to lack of door security and the public could potentially access the rear flat roof area. This put them at risk of falling from a height.

The Fire and Rescue Service therefore had serious concerns about poor fire safety control on these premises. It was understood that the licence holder had sent a letter to the Fire and Rescue Service confirming that the business would close from 4 June 2013 until all the fire safety requirements had been completed.

In response to some of the above points, the licence holder noted the following observations –

- On some occasions when the police had been called, the bar had closed when some of the problems had arisen.
- The only time when the noise had been loud during business opening hours was when special nights had been hosted, and a noise monitoring system had been installed in the objector's property at those times. Following a meeting with the Environmental Health Officer, these nights had been suspended.
- He apologised to the objector for causing problems to him.

The Environmental Health Officer expanded on the instances of noise problems between July 2012 and the present day. He noted that since preparing the report, a further noise monitoring form had been received from the complainant, stating that the noise problems had persisted from the premises since the end of April until 26 May 2013. Given that there was a history of loud entertainment noise being created by these premises and that a new complaint regarding entertainment noise had been received, together with the evidence from the police, their application to review the licence and to suspend the licence for a period of time was supported. In relation to the letter received from the licence holder's solicitor, and in particular the reference in it to the sound of loud music after the licensed hours, the officer was of the opinion that this interpretation was incorrect, as it had been noticed that the noise was loud during the licensed hours as well. He also noted that the solicitor had given a legal opinion on public nuisance and noted that public nuisance was one of the cornerstones of licensing. Public nuisance was defined as law.

The objector present took advantage of the opportunity to endorse the observations noted by letter and specifically referred to the following points –

- He lived next door to the premises and problems had resulted from it for around four years, with noise from loud music, a large number of people drinking in the street and the mess being left on the pavement.
- A noise monitoring system had been installed in the property in September 2012 by the Public Protection Department, and the noise had been monitored on several occasions.

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 –

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

Having considered all the evidence submitted, the members were of the opinion that the review should be approved for the following reasons –

- a) The sub-committee had heard evidence that the premises had failed three consecutive test purchases, namely on 19 May, 7 July and 6 October 2012. These breaches were considered to be very serious matters given that the licence holder had been issued a warning after the first two breaches, and that there was no evidence that the “Challenge 25” policy was being implemented. Although the sub-committee acknowledged that a successful test purchase had taken place in March 2013, significant concern was expressed regarding the breaches in 2012, and it was noted that those breaches had led to a conviction in the Magistrates’ Court.
- b) The failed test purchase was completely contrary to the licensing objective of safeguarding children from harm.
- c) The building had substantial deficiencies in terms of fire safety, which also undermined the licensing objective of public safety.
- ch) The sub-committee did not know based on the evidence received whether the incidents of noise relating to the premises classified as public nuisance as a matter of law.
- d) However, the sub-committee was satisfied that undermining the licensing objectives of protecting children from harm and public safety justified the suspension of the licence for a period of six weeks.

RESOLVED

- a) To approve the review and suspend the licence for a period of six weeks.**
- b) That the licence holder installs noise monitoring equipment on the premises.**

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

The meeting commenced at 11.00am and concluded at 3.45pm.

CENTRAL LICENSING SUB-COMMITTEE, 04.07.13

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Annwen Hughes and Angela Russell

Also present: Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Gwyn Parry Williams and Lowri H. Evans (Member Support and Scrutiny Officers).

1. APPLICATION FOR A VARIATION OF PREMISES LICENCE – THE HARP INN, 80 – 82 HIGH STREET, BANGOR

Others invited to the Meeting:

Representing The Harp Inn, 80-82 High Street, Bangor: Mr Bethan Brown (Licence holder) and Mr James Brown.

Apologies: Ms Ffion Muscroft (Environmental Health Officer) and Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

Submitted – the report of the Licensing Manager, providing details of the application on behalf of the Harp Inn, 80-82 High Street, Bangor, for a variation of premises licence to approve an extension of an additional hour, Thursday evenings until, and including, Saturday evenings for the licensable activities of supplying alcohol and playing of recorded music until 02.00. An extension to the closing hours was also requested on those days up to 02.30. She gave details of the current hours and the proposed hours. In addition to the application for extension of hours, permission was requested to delete some of the conditions in Appendix 2 of the Current Licence which were consistent with the Operating Schedule of the licence as follows -

- a) To inspect the toilets on a regular basis.
- b) To have a pest control agreement in place.
- c) To dispose of standard glasses over time, exchanging them for toughened glasses.
- ch) To permit children in the dining room up until 19.00 only.
- d) To provide a smoke-free room for families.

It was reported that following the appropriate consultation period, no comments had been received from the local member. Bangor City Council objected to the application because of concern regarding the location of the licensed premises in close proximity to residential properties and specifically to houses of older people. The Police had no objection to the application but it was recommended that conditions should be imposed on the licence following agreement with the applicant in relation to CCTV, door supervisors and membership of the Pubwatch scheme. There was no objection either by the Public Protection Department but it was noted that one complaint had been received in 2012 in relation to noise emanating from the premises although there was no specific evidence to support the allegations. It was recommended that noise conditions be included on the premises licence as those imposed on the current licence.

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. 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.
- v. The applicant or his representative was given an opportunity to summarise their case.

In support of the application, the licence holder informed the sub-committee that he agreed with the conditions recommended by the Police and the Public Protection Department. He noted that the CCTV system had already been installed at the premises and the premises were also a member of the Pubwatch scheme. <<He referred to the fact that it was the Police who had suggested that he submit the application in question.

There were no representatives from Bangor City Council present at the meeting to elaborate on their objection.

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 –

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

Members were of the opinion that the application should be approved because it would, along with the proposed conditions imposed by the Police and Public Protection Department, promote the licensing aims.

RESOLVED

i) To approve the variation of the premises licence of The Harp Inn, 80-82 High Street, Bangor as follows -

a) To approve the supply of alcohol under paragraph M between 10.00 and 01.00 on Mondays to Wednesdays; between 10.00 and 02.00 on Thursdays to Saturdays and between 11.00 and 23.00 on Sundays.

b) To approve recorded music under paragraph F between 11.00 and 01.00 on Mondays to Wednesdays; between 11.00 and 02.00 on Thursdays to Saturdays and between 11.00 and 22.30 on Sundays.

c) To permit the premises to be open to the public under paragraph O between 10.00 and 01.00 on Mondays to Wednesdays; between 10.00 and 2.30 on Thursdays to Saturdays and between 11.00 and 22.00 on Sundays.

ch) To change the conditions of the licence in accordance with what is noted in paragraph P of the application.

- d) 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.
- dd) In the case of the interior of the premises, there will be sufficient cameras installed to record images of the whole area available to the public except for the toilets.
- e) Lighting in the location must be of sufficient brightness and quality to identify persons within the building.
- f) The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 31 days.
- ff) Images will be surrendered at the request of the Police or local authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition. If unable to comply with a request under this condition the premises must understand they will be liable to have the premises licence reviewed.
- g) 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.
- ng) Signs will be installed and displayed clearly in public areas of the building drawing attention to the fact that the CCTV system is operational.
- h) That recordings of incidents must be kept secure for inspection by the Police.
- i) The Designated Premises Supervisor will keep a recognised register by the Police and Local Authority of all door staff employed at the premises. The register will include details of the start and finish times of the work, the name and SIA licence number of the person employed, including the name of the company that employs them, if relevant.
- l) The register to be kept on the premises, on a permanent basis, for inspection by the Police or Local Authority on request. After completing the register, it will be kept at the premises for at least a year from the completion date, and for the duration of that period, it will be available for inspection by the Police or Local Authority.
- ll) These premises will employ at least one door supervisor registered with the Security Industry Authority (SIA) from 21.00 until the business closes every Thursday, Friday and Saturday evening, unless the Designated Premises Supervisor has received permission in writing from the Police that such staff need not be employed on these evenings and that the Designated Premises Supervisor and the Police agree that there is no need.
- m) The premises will be a member of the Pubwatch scheme and a representative will attend Pubwatch meetings and take part in all initiatives by the scheme. The premises will adhere to all directives issued by the Pubwatch scheme, including compliance with Banning Orders issued against any individual.
- n) To impose the following conditions outlined by the Public Protection Officer –
- i) The internal LAeq 15min sound level and the LAeq 15min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwellings open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of this condition the LAeq sound level is as defined in BS4142:1997.
- ii) To prevent noise or vibration emanating from the licensed premises, doors and windows at the building shall be kept closed during the entertainment.
- iii) Should Gwynedd Council obtain evidence following the issuing of this licence that noise condition (i) is not being adhered to, then the premises owner shall carry out the following -
- Carry out necessary noise insulation / abatement works to ensure that the noise condition is achieved; 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) 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) It is the duty of the premises' personal licence holder, designated premises supervisor and door supervisor to monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

b) To send a letter to Bangor City Council expressing dismay that a representative did not attend the meeting and to draw attention to the fact that the hearing had to be held following their objection.

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

Additional matters

a) Application for a premises licence – Toft's Dining Room, High Street, Abersoch

Submitted – the report of the Licensing Manager, stating that an application for a premises licence had been received from the above premises for the sale of alcohol in the restaurant. Llanengan Community Council and the Local Member had no objection to the application but one objection had been received on the grounds of planning matters and these matters were discussed with the Planning Officers but they had agreed that there was no basis to the concerns as noted by the objector. Consequently, the matter was discussed with the Local Member and it was explained that the application could be approved as there was no basis to the objection because planning issues were not relevant to licensing issues. Based on this, the relevant officer decided to approve the application subject to confirmation from this sub-committee.

RESOLVED to confirm the steps taken by officers to approve the application for a premises licence.

b) Application for a premises licence – Penrhyn Stores, Fairbourne

Submitted – the report of the Licensing Manager, stating that an application for a premises licence had been received from the above premises for the sale of alcohol in the premises used as an amusement arcade and a small café. Five objections to the application had been received, including the Local Member, on the grounds that there were plenty of places in the village where alcohol was sold. In terms of licensing matters, this objection was insufficient for not approving the licence. A mediation meeting had been held on 13 June 2013 with the objectors and the applicant when four of the objectors had agreed to withdraw their objections because the applicant had agreed to reduce the hours by one hour as this would be more appropriate for the location. Based on this, the relevant officer decided to approve the application subject to confirmation from this sub-committee. However, one objector continued to be dissatisfied regarding granting the licence but he had not been present at the mediation meeting and the grounds of the objection were not relevant to licensing issues.

RESOLVED to confirm the steps taken by officers to approve the application for a premises licence.

The meeting commenced at 1.00pm and concluded at 1.40pm.

CENTRAL LICENSING SUB-COMMITTEE, 31.07.13

Present: Cllr Eryl Jones-Williams (Chair), Cllr Ann Williams, Cllr Elfed Williams

Also present: Mr Gwyn Hughes (Clerk of Bangor City Council), PS483 Bill Coppack (North Wales Police), Mr Ian Williams (North Wales Police Licensing Coordinator), Sion Huws (Language and Compliance Manager), Gwenan M. Williams (Licensing Manager) and Lowri H. Evans (Member Support and Scrutiny Officer).

1. APPLICATION TO VARY A PREMISES LICENCE – Zam Zam Foods, 308 HIGH STREET, BANGOR

Others invited to the Meeting: Representing Zam Zam Foods, 308, High Street, Bangor: Mr Khaliq Noor (Licence holder)

Apologies: None to note.

Submitted – the report of the Licensing Manager giving details of the application by Zam Zam Foods, 308, High Street, Bangor to vary the premises licence to permit an extension of an additional hour and a half, seven days a week, for the licensed activity of providing late night refreshments. A request was also made for an additional hour to this on Christmas Eve and New Year's Eve. Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, observations and an objection to the application had been received from a nearby business owner and from Bangor City Council. North Wales Police had also submitted their objection initially, but following a discussion with the applicant, they had come to an agreement subject to specific conditions. No observations had been received from the Local Member.

Bangor City Council objected to the application because of concern that the licensed premises were close to residential housing where a number of elderly residents lived. They also objected on the grounds of crime and disorder, the likely increase in litter on the street and an increase in people and cars congregating in the area late at night and early in the morning. An objection from the owner of a nearby business reflected the same concerns.

The Police stated that the applicant had agreed to limit the hours of licensable activity to 3:00am Sunday to Thursday and 3:30 on Fridays and Saturdays. The Police's agreement to the approval of the application was also subject to the applicant agreeing to the additional conditions, with a particular emphasis on two of those conditions, namely:

- a) In relation to CCTV, the licence holder should ensure that at least one member of staff has received appropriate training and is available to present and download evidence at the request of the Police or an authorised officer during the shop's opening hours.
- b) The licence holder should employ door supervisors for the terminal hour of licensable activity on Thursday, Friday and Saturday evenings.

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. 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 support of the application, the licence holder informed the sub-committee that he agreed with the conditions recommended by the Police. The applicant had made a further request to be allowed to remain open until 5am as a grocery shop. He submitted a letter from the Regulatory Department highlighting his right to do this due to the square foot measurement of his shop. The Police's recommendation was that the shop's opening hours should reflect the hours noted on the licence. This ensured consistency and fairness for all the businesses.

The Chairman noted that the sub-committee must focus on the licensing procedure here, and not on planning conditions. The application to be considered by the committee was that to extend the opening hours of Zam Zam Foods to provide late night refreshments.

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 –

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

The members were of the opinion that the application should be approved.

RESOLVED

To approve the variation of the premises licence of Zam Zam Foods, 308, High Street, Bangor, as follows –

Permit the sale of late night refreshments (paragraph I) between 23.00 and 03.00 the following day from Sunday to Thursday, and between 23.00 and 03:30 the following day on Friday and Saturday. Permit an additional hour to these times on Christmas Eve and New Year's Eve.

Permit the premises to be open to the public (paragraph L) between 23.00 and 03.00 the following day from Sunday to Thursday, and between 23.00 and 03:30 the following day on Friday and Saturday. Permit an additional hour to these times on Christmas Eve and New Year's Eve.

ii) To accept all the Police's recommendations as listed below:

- a) **That a digital CCTV system will be installed and will work to the satisfaction of the Police and Local Authority monitoring both the interior and exterior of the premises.**
 - b) **In the case of the interior of the premises there will be sufficient cameras to record images of all areas available to the public, except for the toilets.**
 - c) **Lighting in the location must be of sufficient brightness and quality to identify persons within the building.**
 - d) **The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 31 days.**
 - e) **Images will be surrendered on request of the Police or local authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition. If unable to comply with a request under this condition the premises must understand they will be liable to have the premises licence reviewed.**
 - f) **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.**
 - g) **Signs will be installed and displayed clearly in public areas of the building warning that a CCTV system is in operation.**
 - h) **Recordings of incidents must be kept secure for inspection by the Police.**
 - i) **The Designated Premises Supervisor will maintain a register, approved by the Police and Local Authority, of all door staff employed on the premises. The register will include details of the times each person working as door staff start and finish duty, the name and SIA licence number of the person employed, including the name of the company that employs them, if relevant.**
 - j) **The register will remain permanently on the premises and will be made available for inspection on request by the Police or Local Authority. On completion of the register, it will remain on the premises for a period of at least one year from the date it was completed, and for that period of time it will be available for inspection by the Police or Local Authority.**
 - k) **These premises will employ a minimum of one SIA registered door supervisor for the terminal hour of licensable activity on Thursday, Friday and Saturday evenings.**
- iii) **The Licensing Sub-committee advises the licence holder to contact the Regulatory Department with regard to operating as a grocer. Advises that licensing and planning differences should be highlighted to the applicant, and that he should have a discussion with his solicitor.**
 - iv) **The Licensing Sub-committee can not justify the shop being open between 3:00 and 5:00am Sunday to Thursday, and between 3:30 and 5:00am Friday to Saturday – 1 hour and 1½ hour beyond the opening hours on the licence for the provision of hot food.**
 - v) **That the licence holder installs clear and legible signs inside and outside the shop asking customers not to congregate inside or outside the shop.**

The Solicitor reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of his right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 11.20am and concluded at 12.45pm.

4 September 2013

For the attention of Mrs C Pritchard

Head of Administration and Public Protection
Cyngor Gwynedd
Swyddfa'r Cyngor
Caernarfon
Gwynedd

Dear Mrs Pritchard

Licensing Act 2003 – Variation of Premises Licence,

Can you please take these observations to the next Central Licensing Committee.

The City Council were anxious to let the Licensing Sub-Committee know that the residents of Bangor feel deeply let down by its recent decisions to allow late night opening of takeaway establishment in the City against the advice of the Police and the objections of the Bangor City Council. Those bad decisions will have inevitable consequences for the local residents, shops and other commercial enterprises in increased noise, disturbance, litter generation, anti-social behaviour and crime and disorder. It will inevitably increase the burden on public services and public expenditure, including the Police, Gwynedd Council's street cleaning, litter and refuse collection service and services provided by the City of Bangor Council. It also undermines the considerable efforts made by Gwynedd Council, the Welsh Government, Bangor University, the City Council and other agencies over the past two years to improve the image of the City.

Yours sincerely,

Gwyn Hughes
Town Clerk