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## CENTRAL LICENSING SUB-COMMITTEE, 23.10.13

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**Present:** Cllr Eryl Jones-Williams, Cllr Ann Williams, Cllr Elfed Williams

**Also present:** PS483 Bill Coppack (North Wales Police), Mr Ian Williams (North Wales Police Licensing Coordinator), Siôn Huws (Language and Compliance Manager), Iwan Evans (Legal and Cabinet Services Manager) – item 4 only, Gwenan M. Williams (Licensing Manager) and Lowri H. Evans (Member Support and Scrutiny Officer).

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### ITEM 1

#### **APPLICATION TO VARY A PREMISES LICENCE – BELLA TAKEAWAY, HOLYHEAD ROAD, BANGOR**

**Others invited to the Meeting:** On behalf of Bella Takeaway, 8 Holyhead Road, Bangor: Mr Talal El-Arab (Licence holder)

**Local Members:** Councillor June Marshall

**Others:** Ms M A G Davies, Mr Keith Marshall

**Apologies:** Councillor Mair Rowlands

Submitted – the report of the Licensing Manager detailing the application of Bella Takeaway, 8 Holyhead Road, Bangor to vary the premises licence to permit an extension to the standard licensable activities hours to provide late night refreshment to be consumed off the premises. Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, observations and objections to the application had been received from Local Members, Bangor City Council and neighbouring residents. The objections to the application were based on the licensing objective of preventing public nuisance.

North Wales Police had no objection but it was recommended that conditions be imposed on the licence following agreement with the applicant in relation to CCTV and door supervisors. The Fire and Rescue Service did not object to the application.

The Police's perspective was that it was appropriate for the licences of all premises selling late night refreshments in Bangor to be equal in terms of the hours of licensable activities, in order to promote the licensing objectives. It was noted that the Police were requesting that conditions should be imposed on the licence with regard to CCTV and Door Supervisors. It was also noted that the Police acknowledged that Upper Bangor was a residential area; and that the applicant had consequently agreed to only extend the hours on Thursday, Friday and Saturday evenings.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.

- Members of the Sub-committee were given an opportunity to ask questions of the licence holder.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

The applicant was given an opportunity to summarise his case. The licence holder informed the sub-committee that he agreed with the Police's recommended conditions and that he would employ door supervisors should the licence be granted.

The Police representative reported that only two complaints had been received about the premises since 2008 with only one involving public nuisance. It was highlighted that having door supervisors would give additional security assurances in the area.

A member of the Sub-committee noted that he felt inclined to support the Police's viewpoint. The legal officer instructed the Sub-committee to consider all the observations made regarding the application before reaching a decision on the application. He also explained, in response to a question, that there was nothing stopping anyone from naming other premises when submitting their observations; however, it was important to realise that the Sub-committee could only consider evidence which was relevant to the premises in question when reaching its decision.

The Chairman gave the Local Member an opportunity to question the Police, stressing that the observations must refer to Bella Takeaway only. Questions were asked regarding the social patterns of customers on the street commenting that queuing could lead to conflict.

The objectors present at the meeting took advantage to elaborate on their objection and they reiterated the observations that had been submitted by letter.

The Chairman requested that the Local Member referred to Bella Takeaway only in her comments and not generalise the situation in Upper Bangor. The Local Member felt that her comments were not being given a fair hearing and she commented that she would be making an official complaint to the Monitoring Officer regarding the Licensing Sub-committee's procedures. She left the meeting at 12:15pm as she felt frustrated at not being able to give her opinion.

Consultees were given a further opportunity to support their observations.

The following points were noted:

- they objected to the application because of public nuisance and antisocial behaviour that would be created in a residential area
- the likely increase in litter on the street, gardens and footpaths as the tendency was to eat on the street. Changing social patterns.
- people congregating outside the premises until the early hours of the morning – this would lead to an increase in noise and antisocial behaviour
- a pattern developing as part of the process – one application being approved and consequently others being submitted

Other than the Sub-committee, the Member Support and Scrutiny Officer and the Compliance and Language Manager, everyone was asked to withdraw from the chamber while the Sub-committee considered its decision.

After the relevant parties left, one member of the public remained in the chamber and approached the Sub-committee members to express her opinion that they had not given the objectors a fair hearing. The individual was asked to withdraw from the chamber.

The Sub-committee was of the opinion that what had happened and had been said during the hearing could give the impression that the hearing had not been fair. It was imperative that the

public had faith in any decision made by the Sub-committee on behalf of the Licensing authority and there was a risk that this had been undermined in this case.

### **RESOLVED**

the Sub-committee therefore resolved that it was not in a position to reach a decision on the application and that a second hearing should be arranged before a Sub-committee with a different membership.

**The Sub-committee expressed its apologies to the applicant.**

### **ITEM 2**

#### **APPLICATION TO VARY A PREMISES LICENCE – DEAN STREET CHIPPY, 27 DEAN STREET, BANGOR**

**Others invited to the Meeting:** On behalf of Dean Street Chippy: Ms Joy Lovell (licence holder) and Mr Graham Lovell

**Local Member:** Not present

**Apologies:** None to note

Submitted - the report of the Licensing Manager detailing the application of Dean Street Chippy, 27 Dean Street, Bangor, LL57 1UR from Ms Joy Lovell, 27 Upper Garth Road, Bangor.

The application was submitted for an extension of the hours of standard licensable activities. The premises provided late night refreshments to be consumed off the premises. Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, observations and objections to the application had been received from Bangor City Council. The objection to the application was based on the licensing objectives of preventing crime and disorder and public nuisance. Bangor City Council did not have a representative at the meeting to elaborate on its objections.

North Wales Police had no objection but it was recommended that conditions be imposed on the licence following agreement with the applicant, in relation to CCTV and door supervisors. No observations had come to hand from the Local Members. The Fire and Rescue Service did not object to the application.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licence holder.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- The applicant or his representative were given an opportunity to summarise their case.

The licence holder informed the sub-committee that she agreed with the Police's recommended conditions and she added that she would agree to clear litter from around the premises.

The Police explained that they had not received any cases against these premises which was an exception given that the premises were close to the main nightclub in Bangor. It was also highlighted that local residents had not submitted objections to the application and that evidence could not be provided that the litter was associated with the relevant premises.

There was a good relationship with the door supervisors at Peep Nightclub who kept an eye on the premises. The arrangement seemed to be effective.

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 DEAN STREET CHIPPY, 27 DEAN STREET, BANGOR as follows:**

- **Permit the licence holder to open until 3:00am from Sunday to Thursday and until 3:30am on Friday and Saturday.**
- **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 to 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 those responsible for the premises must understand that 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. 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 the Local Authority.

- k) **These premises will employ a minimum of one SIA registered door supervisor on Thursday, Friday and Saturday evenings for the final hour of licensable activity under this licence.**

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 her of her right to appeal against the decision within 21 days of receiving that letter.

### ITEM 3

#### **APPLICATION TO VARY A PREMISES LICENCE – SHAHIN KEBAB HOUSE, 368 HIGH STREET, BANGOR**

**Others invited to the Meeting:** On behalf of Shahin Kebab House: S Ali (licence holder)

**Local Member:** Not present

**Apologies:** None to note

Submitted – the report of the Licensing Manager detailing the application of Shahin Kebab House, 368 High Street, Bangor LL57 1YE from the licence holder, Shahin Kebab House Limited.

The application was submitted for an extension of the hours of standard licensable activities. The premises provided late night refreshments to be consumed off the premises. Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, observations and objections to the application had been received from Bangor City Council. The objection to the application was based on the licensing objective of preventing crime and disorder and public nuisance. Bangor City Council did not have a representative at the meeting to elaborate on its objections.

North Wales Police had no objection but it was recommended that conditions be imposed on the licence following agreement with the applicant, in relation to CCTV and door supervisors. No observations had come to hand from the Local Members. The Fire and Rescue Service did not object to the application.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licence holder.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- The applicant or his representative were given an opportunity to summarise their case.

The licence holder informed the sub-committee that he agreed with the Police's recommended conditions and he added that he was applying for the additional hours to reflect the opening times of his competitors. He felt that there must be a level playing field for all.

The Police reported that only three cases had been recorded against the premises during the last six years and therefore testified that there was good collaboration with the Police. It was also highlighted that local residents had not objected to the application.

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 varying the premises licence of SHAHIN KEBAB HOUSE, BANGOR as follows:**

- **Permit the licence holder to open until 3:00am from Sunday to Thursday and until 3:30am on Friday and Saturday nights and bank holidays.**
- **To accept all the Police's recommendations as listed below:**
  - l) 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.**
  - m) 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.**
  - n) Lighting in the location must be of sufficient brightness and quality to identify persons within the building.**
  - o) 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.**
  - p) Images will be surrendered on request to 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 those responsible for the premises must understand that they will be liable to have the premises licence reviewed.**
  - q) 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.**
  - r) Signs will be installed and displayed clearly in public areas of the building warning that a CCTV system is in operation.**
  - s) Recordings of incidents must be kept secure for inspection by the Police.**
  - t) 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.**
  - u) The register will remain permanently on the premises and will be made available for inspection on request by the Police or Local Authority. 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 the Local Authority.**
  - v) These premises will employ a minimum of one SIA registered door supervisor on**

**Thursday, Friday and Saturday evenings for the final hour of licensable activity under this licence.**

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 Chairman thanked the applicant for his willingness to collaborate effectively with the Police.

**ITEM 4**

**APPLICATION TO VARY A PREMISES LICENCE – BRYNTEG HOLIDAY HOME PARK, LLANRUG LL55 4RE**

**Others invited to the Meeting:** On behalf of Brynteg Caravan Park: Peter Williams, James McAllister, James Newan

**Local Member:** Not present

**Apologies:** None to note

Submitted – the report of the Licensing Manager detailing the application to vary the premises licence of Brynteg Holiday Home Park, Llanrug LL55 4RE.

An application was submitted on behalf of the applicant by Gamlins Solicitors, to combine three current licences on the premises to one premises licence. The licensable details of the three current licences were submitted.

Following the appropriate consultation period, observations and objections to the application had been received from neighbouring residents based on the licensing objective of preventing public nuisance.

The objectors were not present at the meeting to expand on their objection. It was confirmed that the objectors had received a letter inviting them to attend (dated 8.10.13).

The legal officer suggested that the panel needed to consider whether to proceed with the hearing in the absence of the objectors. In addition, it was noted that the Local Member was not present at the hearing and had not submitted observations on the matter. No observations had been received from the Community Council.

Having received evidence (copies of letters inviting the objectors to the meeting) the Sub-committee decided to proceed with the hearing.

North Wales Police had no objections. The Fire and Rescue Service did not object to the application but had noted conditions regarding numbers.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- <<Members of the Sub-committee were given an opportunity to ask questions of the licence holder.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

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

The intention of the licence holder was to waive the three licences and offer one which would be easier to reflect the park's hours of service. The solicitor noted that the owner of the park was a very responsible person and ran a small luxury site for private residents only. The park employed approximately 71 people (at peak times), provided a high standard of security and was closed for local residents. It was highlighted that a special key was required to access the park. The main changes to the licence was the use of the Bistro. It was confirmed that the Bistro only accommodated 30 people and that it was located a quarter of a mile from the entrance and neighbouring houses. It was confirmed that live music usually finished at approximately 10:45pm and a little later on bank holidays. The park's policy was to keep noise levels to a minimum in order to respect the residents of caravans and neighbours. It was also highlighted that the park owner, who lived locally, had held general discussions with neighbouring residents regarding noise levels.

The Solicitor noted that the hearing should have been held within 20 days of submitting the application – 24 working days in this case. The comment was accepted and the Licensing Manager explained that an attempt had been made to hold a reconciliation meeting with the objectors; however the objectors had refused. The explanation was accepted.

The Police representative noted that there were no grounds for them to object to the application and it was highlighted that there had been no cases of antisocial behaviour against the three relevant premises since statistics had first been collected in 2006.

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 BRYNTEG HOLIDAY HOME PARK, LLANRUG LL55 4RE**

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 morning meeting commenced at 11:30am and concluded at 12:55pm

The afternoon meeting commenced at 2:00pm and concluded at 4:40pm.