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## CENTRAL LICENSING SUB-COMMITTEE 25.09.14

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**Present:** Cllr Tudor Owen, Cllr Ann Williams, Cllr Elfed Williams

**Also present:** Sion Huws (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing)) and Lowri Haf Evans (Member Support and Scrutiny Officer).

**1. WELCOME**

Everyone was welcomed to the meeting by the Chairman, Councillor Tudor Owen. The panel and the officers were introduced to everyone present.

**2. DECLARATION OF PERSONAL INTEREST**

Nothing to note

**3. URGENT ITEMS**

Nothing to note

**4. APPLICATION FOR A PREMISES LICENCE – FRESHWAY EXPRESS, 319, HIGH STREET, BANGOR, GWYNEDD.**

**On behalf of the premises:** Mr Amhad Koujan, Mr Chris O'Neal (agent on behalf of the applicant)

**Local Members:** Not present

**Others in attendance:** Councillor Keith Marshall (Bangor City – Menai ward), Councillor June Marshall (Bangor City – Menai ward)

**Apologies:** None to note

**The report and recommendation of the Licensing Section.**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for 319 High Street, Bangor. The premises was described as a 'Fast Food Takeaway' with the aim of providing late night refreshments, indoors and outdoors.

Details were given about the hours that the premises would be open to the public and the times that they would provide late night refreshments.

The panel were notified of the steps that the applicant intended to take to promote the four Licensing objectives -

- Install CCTV cameras inside the building
- Employ door supervisors on Friday, Saturday and bank holidays from midnight until closing time
- Dispose of any litter from outside the premises.
- Restrict access to children under 16 years of age from 11:30pm onwards unless they were accompanied by an adult.

The Fire and Rescue Service did not wish to offer any observations on the application. Observations were not received from North Wales Police or the Environmental Health Service. The Planning Service did not object to the application.

Following an appropriate consultation period, an objection to the application had been received from Bangor City Council. Their concerns involved the increase in noise and disturbance, the increase in disposing of litter and the level of crime and disorder and anti-social behaviour that a late-night refreshment premises would have on the area. It was noted that Bangor City Council were of the opinion that the saturation point had been reached in this area of Bangor, and in accordance with the Gwynedd Council Licensing Policy document, a 'Saturation Policy' should be adopted for this part of Bangor.

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

A member of the Sub-committee asked the Licensing Manager how many fast food shops there were on Bangor High Street and what were their opening and closing times?

In response to the question, the Licensing Manager noted that there were 8 premises on the High Street that provided fast food, and that the application did not request later hours than similar premises.

An observation was made that neighbouring residents had not commented on the application, and the Licensing Manager was questioned whether the application had been advertised clearly. It was confirmed that in accordance with statutory arrangements it was required to advertise an application for 28 days in the local paper. It was added that this application had been advertised in accordance with legislation. It was also added that the Council was advertising the application on its website.

A comment was made that no observations had been received from the Police. The Licensing Manager noted that the police would not have evidence for the premises as it was a new application with similar requirements to other businesses.

Everyone was reminded that they had 10 minutes to speak.

While expanding on the application, the agent on behalf of the applicant noted that the planning department had permitted a planning application for the site to operate as a 'hot food take away' premises; that the applicant had responded to the principles of the Licensing Act 2003 and that Gwynedd did not yet have a saturation policy. As well as this, he reported that the area was closely watched by the Police, the Street Angels and CCTV.

Mr Koujan was introduced as the manager of the site and he added that Mr Koujan also managed another premises in Upper Bangor.

Following a consultation period, no objections were received by the Fire Service.

It was emphasised that alcohol would not be sold in the shop.

In response to the application, a Bangor City Councillor who was present on behalf of the Bangor City Clerk noted that she agreed with the opinion that a saturation point had been reached in this area of Bangor, and that the Council should respond by adopting a saturation policy.

A request was made for the applicant's steps for promoting the Licensing principles listed in his application to be set as conditions.

The solicitor reported that it would be possible to include the conditions if the sub-committee decided to permit the application.

The Chair of the Sub-committee noted that it would be beneficial for the Licensing Committee to discuss a saturation policy.

By summarising his application the agent noted that the applicant was willing to accept the conditions.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

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

The Sub-committee' view was to permit the application, as there was no evidence that suggested that the premises undermined the principles of the Licensing Act.

#### **RESOLVED**

**TO PERMIT A NEW LICENCE TO THE FRESHWAY EXPRESS, 319, HIGH STREET, BANGOR PREMISES, IN ACCORDANCE WITH THE RECOMMENDATIONS AND TO ADD THE STEPS LISTED BY THE APPLICANT (appendix M of the application) TO PROMOTE THE LICENSING OBJECTIVES AS CONDITIONS.**

#### ***'Promoting the four licensing objectives***

##### ***General***

- ***We will liaise with the Police and Council to ensure we meet all licensing objectives.***
- ***CCTV will be produced if required***
- ***Door Supervisors will produce a full list of any incidents etc***

##### ***Prevention of Crime and Disorder***

- ***The venue will be fitted with a CCTV system inside the shop. This system will be placed so all customers entering the shop will be recorded. CCTV will be recorded for 1 month.***
- ***Door supervisors will be deployed Friday and Saturday from 12:00 until close of business.***

##### ***Public Safety***

- ***Door supervisors deployed Friday and Saturday nights and all Bank Holiday Sundays from 12:00am until close of business. All SIA licensed staff***

##### ***The prevention of public nuisance***

- ***The venue will clear up all rubbish from outside the venue and signs will be placed on the venue asking people to place rubbish in the bin***

##### ***The protection of children from harm***

- ***No person under the age of 16 will be permitted into the venue after 11:30pm unless accompanied by an adult'.***

Everyone was thanked for their contribution.

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

The meeting commenced at 10.00am and concluded at 10.45pm.