
CENTRAL LICENSING SUB-COMMITTEE, 08.11.13

Present: Cllr. W. Tudor Owen, Cllr. Ann Williams, Cllr. Llywarch Bowen

Also present: PS483 Bill Coppack (North Wales Police), Mr Ian Williams (North Wales Police Licensing Coordinator), Geraint B Edwards (Solicitor), Sheryl Le-Bon Jones (Operational Systems Manager), Cllr. Huw Edwards and Lowri H. Evans (Member Support and Scrutiny Officer).

ITEM 1

APPLICATION TO VARY A PREMISES LICENCE – PIZZA HOUSE, 53 HOLYHEAD ROAD BANGOR

Others invited to the Meeting: On behalf of Pizza House, 53 Holyhead Road, Bangor: Sarah Sadeghi Namaghi (Licence Holder)

Local Members: Councillors June Marshall and Mair Rowlands.

Others: Ms M A G Davies, Mr Keith Marshall, Mr Rhys Taylor, Mr John Martin

Apologies: None to note

Submitted – the report of the Licensing Manager detailing the application of Pizza House, 53 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, Individual Members and Bangor City Council and neighbouring residents. Objections to the application were made on the grounds of the licensing objective of preventing public nuisance because of the possibility of an increase in litter, and because the noise from vehicles that delivered hot food ordered over the phone already disturbed neighbours who lived in residential places nearby. Concerns were also expressed that an extension to the hours would lead to an increase in crime and disorder and would contribute to the disturbance which had been on the increase in Upper Bangor.

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 the same 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 Friday and Saturday nights.

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 licence holder, 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 her case. She informed the sub-committee that she agreed with the Police's recommended conditions and that she would employ door supervisors should the licence be granted. She also noted that staff cleared litter from outside the premises at the end of the night.

The Police representative reported that only three complaints had been received about the premises over the last four years – which suggested that the premises were well managed. It was highlighted that having door supervisors gave additional security assurances in the area. Reference was also made to the need for suitable lighting within the premises – the licence holder was responsible for providing these.

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 following points were noted:

- They objected to the application because of public nuisance and antisocial behaviour that would be created in a residential area as a result of extending the opening hours to provide late night refreshments.
- A petition had been provided signed by 71 local residents expressing objection to the application.
- Neighbours were already dealing with noise from delivery vans coming and going to the site in the early hours of the morning.
- 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 and would affect the amenities of local residents.
- A pattern was developing as part of the process – one application being approved and consequently others being submitted
- A request to listen to the voice of local residents and not the businesses – the community must be protected.
- It was highlighted that there was no objection to the business. The business was run very effectively and offered a good service.

The relevant parties left the meeting.

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

Reasons listed below:

- There was no evidence of specific incidents of crime and disorder attributed to the premises
- There was no evidence of individual incidents of public nuisance attributed to the premises There was a need for a thorough assessment of the number, nature and impact of existing incidents of noise and litter.
- The petition did not provide evidence of individual incidents of crime and disorder and public nuisance.

- The application, along with the police's conditions, were in accordance with the licensing objectives.

RESOLVED

- **To approve an extension of an additional hour, between 23.00 and 03.30 on Fridays and Saturdays only for the licensable activities of providing late night refreshments.**
- **To incorporate the conditions recommended by the Police into the amended licence, but that the conditions in relation to SIA door supervisors were only relevant to Fridays and Saturdays, for the final hour for which licensable activities are permitted under this Act.**
- **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. 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 on 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, formally confirming the Sub-committee's decision to all present, and informing the objectors of their right to appeal against the decision within 21 days of receiving that letter.

ITEM 2

APPLICATION TO VARY A PREMISES LICENCE – LATE STOP, 13 HOLYHEAD ROAD, BANGOR

Others invited to the Meeting: On behalf of Late Stop: Mr Bipin Chanla and Cllr. Chris O'Neil

Local Member: Councillors June Marshall and Mair Rowlands.

Others: Ms M A G Davies, Mr Keith Marshall, Mr Rhys Taylor, Mr John Martin

Apologies: None to note

Submitted – the report of the Licensing Manager detailing the application of Late Stop, 13 Holyhead Road, Bangor LL57 2EG from the licence holder, Melanie C Jones.

The application was submitted for an extension of the hours of standard licensable activities. The premises provided late night refreshments and the sale of alcohol 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, Individual Members and Bangor City Council and neighbouring residents. Objections to the application were made on the grounds of the licensing objective of preventing public nuisance because of the possibility of an increase in litter, and because the noise from vehicles that delivered hot food ordered over the phone already disturbed neighbours who lived in residential places nearby. Concerns were also expressed that an extension to the hours would lead to an increase in crime and disorder and would contribute to the disturbance which had been on the increase in Upper Bangor.

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 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 licence holder, 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.

A copy of the press notice was received highlighting that the element of alcohol had not been mentioned in the notice.

The applicant was given an opportunity to explain the situation and he noted that he had been given advice from the Chronicle on submitting a notice. He had provided the information over the phone and fax.

He read the notice as it had appeared in the Chronicle on 12.9.2013.

It was highlighted that the notice must be accurate and that making a false application would be a criminal offence.

The applicant requested that the food element only be discussed:

This was refused on the grounds that the application was inaccurate and a new application would have to be submitted.

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 Licensing Act 2002, 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 could not be considered further.

Reasons for the decision:

- In accordance with the requirements of the Licensing Act 2003, the application must be advertised in advance in a newspaper (in this case the Chronicle 12.9.2013). However, in this case, the advertisement had been inaccurate as it had not mentioned that the application noted an amendment to the licence for the sale of alcohol.
- Consequently, as the application was inaccurate, the Sub-committee did not have the authority to consider the application, not to mention make a decision to approve or refuse the application.
- The representative had commented that consideration should be given to proceeding with the application on the grounds that there was no application for alcohol – the Sub-committee thanked the representative for the suggestion; however, legally, not considering the application would be safer.
- It was unfortunate that the advertisement had been inaccurate and an explanation was given that this had been an administrative error.
- The applicant was encouraged to make a new application.

ITEM 3

APPLICATION TO VARY A PREMISES LICENCE – SUBWAY, 25 DEINIOL CENTRE, BANGOR LL57 1NW

Others invited to the Meeting: Mr Steven Potts (Licence Holder)

Local Member: Not present

Apologies: None to note

Submitted – a report by the Licensing Manager detailing the application of Subway, Unit 25, Deiniol Centre, Bangor, LL57 1NW from the licence holder Steven Potts, 24 Segontium Terrace, Caernarfon LL55 2PH.

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 and recorded music. 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. There was an objection to the application based on the licensing objective of preventing crime and disorder and public nuisance. It was noted that the proposed hours would lead to an increase in crime and disorder, as well as an increase in nuisance, noise and litter on the street.

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 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 licence holder, 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 was not present at the meeting to expand on the application.

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

No observations had come to hand from the Local Member.

The representative of the Police reported that only three complaints had been made against the premises in the last four years.

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 Licensing Act 2002, 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 – SUBWAY, 25 DEINIOL CENTRE, BANGOR LL57 1NW as follows:

- **Permit the licence holder to open until 2:30am from Sunday to Wednesday, until 3:00am on Thursdays and until 3:30am on Fridays and Saturdays.**
- **Permit the licence holder to open from 7:00am, seven mornings a week.**
- **Permit recorded music in accordance with the opening hours.**
- **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 out a letter formally confirming the Sub-committee's decision to all present.

The morning meeting commenced at 10:40am and concluded at 12:55pm

The afternoon meeting commenced at 2:00pm and concluded at 2:45pm.