
CENTRAL LICENSING SUB-COMMITTEE, 17.12.13

Present: Cllr. W. Tudor Owen, Cllr. Huw Edwards, Cllr. Ann Williams

Also present: PS483 Bill Coppack (North Wales Police), Mr Ian Williams (North Wales Police Licensing Coordinator), Geraint Brython Edwards (Solicitor), Gwenan M. Williams (Licensing Manager) and Lowri H. Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Cllr W. Tudor Owen. The Panel and officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

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

On behalf of the premises: Mr Bipin Chowla and Cllr. Chris O'Neil

Local Members: Councillors June Marshall and Mair Rowlands

Others: Ms A G Davies (Neighbouring resident), Councillor Keith Marshall (Bangor City Council)

Apologies: Bangor City Council Councillor Rhys Taylor

Everyone was reminded of the procedure for the hearing and of the four principles of the Licensing Act 2003 which needed to be considered when determining the application.

It was noted that the application had been before the panel on 8 November 2013. The Sub-committee did not have the authority to hear the application as evidence had been submitted at the commencement of the hearing, proving that the notice of the application to vary the licence was deficient. It did not mention the need to sell alcohol.

Submitted – the report of the Licensing Manager detailing the application of Late Stop, 13 Holyhead Road, Bangor to vary the premises licence to permit an extension to the standard licensable activities hours to provide late night refreshments and the selling 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 relating to the application had been received from Local Members and from Bangor City Council. Objections to the application were based on the licensing objective of public nuisance prevention due to the possibility of an increase in litter and noise on the street disturbing neighbouring residents.

Concerns were also expressed that an extension to the hours would lead to an increase in crime and disorder.

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 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 is 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 at weekends.

No response had been received from the Fire and Rescue Service.

The Licensing Manager restated that the application had been re-submitted to the Council on 12.11.2013 and it was confirmed that the wording on the notice displayed on the premises was correct. However, the advertisement did not appear in the Chronicle until 12.12.2013. It was noted that this date was outside the statutory timescale. Under regulation 25 of the Licensing Act 2003 Regulations (Premises Licenses and Club Premises Certificates) 2005, amongst other things, the applicant must publish a notice of the application (i) in a newspaper or similar publication, circulating in the vicinity of the premises, and (ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority (in this case it was expected that the notice should appear between 15.11.2013 and 28.11.2013).

The applicant / representative was given an opportunity to clarify the situation. Mr Chowla noted that he had submitted the notice to the Chronicle on 12.11.2013, but it was suggested that he publish the notice in the Daily Post. He received a quotation of £400 and decided that this was too expensive. The notice was resubmitted to the Chronicle but there was no evidence that the application had been advertised during the statutory period.

The Solicitor outlined the requirement of the act - emphasising that the notice had to be placed in a newspaper within the appropriate period. This was one of the statutory requirements.

DECISION: THE APPLICATION TO VARY THE PREMISES LICENCE FOR LATE STOP, 13 HOLYHEAD ROAD, BANGOR IS INVALID AS IT DOES NOT CONFORM TO THE REQUIREMENTS OF SECTION 34 (5) OF THE ACT. IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT, THE SUB-COMMITTEE DID NOT CONSIDER THAT THEY HAD THE AUTHORITY TO DETERMINE THE APPLICATION UNDER SECTION 35.

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

The applicant was notified that he needed to submit a new application.

5. APPLICATION TO VARY A PREMISES LICENCE – PATRICK'S BAR, 57 - 59, FFORDD CAERGYBI, BANGOR

On behalf of the premises: Mr Patrick Barry, Mr Tudur Owen

Local Members: Councillors June Marshall and Mair Rowlands

Others: Ms A G Davies (Neighbouring resident), Councillor Keith Marshall (Bangor City Council)

Apologies: Bangor City Council Councillor Rhys Taylor

Everyone was reminded of the procedure for the hearing and of the four principles of the Licensing Act 2003 which needed to be considered when determining the application.

The Licensing Manager's report was submitted, detailing the application, Patricks Bar 57-59 Holyhead Road, Bangor, requesting an extension to the hours on various days for the supply of alcohol, recorded music, live music and facilities for making music. The right to add the licensable activities in relation to dance performances and the supply of late night refreshments was also requested. An extension of up to one hour in the closing hours for the public was also requested.

In addition to the application for the extension of hours, permission was requested to delete or review some of the conditions in Appendix 2 of the Current Licence which were consistent with the Operating Schedule of the licence as follows:

- delete the condition not to permit entry to the Public to the premises after 23:30

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, Upper Bangor Society and a neighbouring resident. The objections to the application were based on the licensing objective of preventing public nuisance. Concerns were expressed that an extension to the hours would lead to an increase in crime and disorder in a residential area, and that the extension would affect residents living in close proximity to the premises and near to accommodation for older people.

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 had not submitted any observations.

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.

The applicant was invited to expand on his application. He informed the sub-committee that he agreed with the conditions recommended by the Police. He also noted that students' socialising patterns were changing and that there was a need to respond to the fact that students were going out later. He hadn't received any complaints from his neighbours and the residents of the supported housing (opposite) had not objected to the application. He further explained that he provided coffee mornings for the residents, and supported a number of community activities.

In relation to the changes to the licence, he proposed to hold live music solely for specific events, Thursday evenings only for open mic; dance evenings would be very infrequent and the food provision would be a German hot dog machine. Toughened glass had been installed on the front of the building to lessen noise, and a sign had been placed in the window requesting that customers respected their neighbours when leaving.

The applicant had included conditions in relation to noise control in the application.

The Police representative reported that only 9 cases had been received about the premises since 2000 – and none had been submitted this year. It was acknowledged that this was a very low number, and that the licensee was always very willing to cooperate.

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

The following specific points were noted –

- Concern about the substantial increase in the application for a music licence. It was suggested that the noise (live music in particular) would affect the quality of life and amenities of nearby residents.
- The increase in the hours when music could be played would mean that any disturbance would happen later at night / early hours of the morning.
- Customers moving away from the premises and subsequently congregating and creating noise and antisocial behaviour in residential areas.
- The noise conditions (included in the application) were very complex and technical.
- A request to retain the condition 'not to permit entry to the public to the premises after 23:30'
- The whole community needed to be considered and acknowledgement that Upper Bangor was a residential area.
- Regarding the provision of food, it was suggested that Upper Bangor, in relation to its size, had too much late night refreshment provision.

It was acknowledged that a letter had been received from Councillor Rhys Taylor (Bangor City Council) - the apology was noted.

In response to questions from the panel, Councillor June Marshall and Councillor Mair Rowlands noted, despite all their concerns, that they had no evidence of specific incidents of public nuisance which could be attributed to the premises.

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 -

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

The members were of the opinion that the application should be approved. The Sub-committee was sympathetic to the consultees' concerns but there was no justification for not approving the application or in anticipating problems from the premises. There was no evidence either to change the condition relating to the hours of recorded music at weekends.

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

RESOLVED

To approve varying the premises licence of PATRICKS BAR, 57 - 59 HOLYHEAD ROAD, BANGOR as follows:

- **Approve the extension of hours on various days in respect of the supply of alcohol, recorded and live music and facilities for making music.**
Supply of alcohol - ½ hour extension from 08:00 - 02:30 on Fridays and Saturdays.
Live Music - 1 hour extension from 19:00 - 01:00 on Thursday evenings and up to 2 hours from 19:00 - 02:00 on Friday and Saturday evenings.
Recorded music - 1½ hour extension from 11:00 - 1:30 on Sunday to Tuesday evenings; 2 hour extension from 11:00 - 2:00 on Thursday evenings; 3 hour extension on Friday and Saturday evenings.
Facilities for making music - 1 hour extension from 10:00 -1:00 on Thursday evenings and a 2 hour extension from 10:00 - 02:00 on Friday and Saturday evenings.
- **Approval was granted to add to the licensable activities in relation to dance performances and the supply of late night refreshments.**
Dance performance - introduce a 3½ hour extension 10:00 - 01:30 on Sunday to Tuesday evenings; 4 hours from 10:00 - 2:00 on Wednesday and Thursday evenings; and 4½ hours from 10:00 - 02:30 on Friday and Saturday evenings.
Provision of refreshments - add a 2½ hour extension 23:00 - 01:30 on Sunday to Tuesday evenings; 3 hours from 23:00 - 02:00 on Wednesday and Thursday evenings and 3½ hours from 23:00 - 02:00 on Friday and Saturday evenings.
- **An extension of up to 1 hour in the closing hours for the public was approved.**
Opening and closing hours for the public - ½ hour extension from 08:00 - 02:00 on Sunday to Tuesday evenings; ½ hour from 08:00 - 02:30 on Wednesday and Thursday evenings and 1 hour extension from 08:00 - 03:00 on Friday and Saturday evenings.
- **To accept the conditions included in the application by the applicant in relation to the noise control and music.**
- **Delete the condition not to permit entry to the public to the premises after 23:30.**
- **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) The door supervisors will be appropriately registered with the Security Industry Authority (SIA) and will display a correct name badge.**
 - l) These premises will employ a minimum of one SIA registered door supervisor on Thursday, Friday and Saturday evenings from 22:00 until the premises closes to the public, unless the premises has received permission in writing from the police not to do so.**

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

The meeting commenced at 10.20am and concluded at 1.25pm.