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## CENTRAL LICENSING SUB-COMMITTEE 09.02.15

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**Present:** Cllr Eryl Jones Williams, Cllr Annwen Hughes, Cllr Llywarch Bowen Jones

**Also in attendance:** Geraint B Edwards (Senior Solicitor), Sheryl Le Bon Jones (Public Protection Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

**1. WELCOME**

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Lloyd Williams. 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 NEW PREMISES LICENCE - MIRAGE, 360 HIGH STREET, BANGOR, GWYNEDD.**

**On behalf of the premises:** Mr Owen Maguire, Ms Gilly Harradence (representing the applicant)

**Local Members:** Not present

**Others in attendance:** Ian Williams (North Wales Police), Gwenan Mai Williams (Environmental Health Service), Councillor Jean Forsyth (local resident)

**Apologies:** None to note

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

- a) Submitted – the report of the Licensing Manager giving details of the application for a new premises licence for Mirage, 360, High Street, Bangor. It was noted that a premises licence had existed on the premises when it was a nightclub, but that the licence had ended in 2011. It was expressed that the applicant's intention was to change the use of the premises to a cabaret/theme bar for people over 25 years old, holding various events at night and exercise and dance classes during the day. It was noted that the licensable activities that were applied for included all kinds of regulated entertainment (to occur inside); providing late night refreshments (to occur inside) and to supply alcohol (to be consumed on and off the premises). It was reported that a required advertisement had been displayed on the premises on 9 January 2015, and a notice had been printed in the local paper, 'Chronicle', on 18 December 2014.
- b) During the period of receiving observations, and after consulting with North Wales Police, the applicant submitted an amended application form with reduced hours through North Wales Police. Reference was made to the fact that the applicant had described the steps that he intended to take to promote the four licensing objectives including the use of CCTV cameras, using registered door staff and implementing a proof of age scheme.

- c) North Wales Police did not have any objections to the application as there was no current evidence to refuse it. An objection to the application was received from Bangor City Council highlighting their concerns regarding the fact that it would increase noise and disturbance in the area; it would create crime and disorder issues; encourage anti-social behaviour and that a 'Saturation Point' had been reached in this part of Bangor. A letter had been received from a local resident stating that sufficient information had not been included in the application regarding the type of entertainment or services for adults that would be held up to 11 times a year in the premises.
- ch) 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.

It was announced that everybody had up to 10 minutes to share their observations.

- d) While expanding on the application the agent on behalf of the applicant noted that there was no intention to run a nightclub, but rather a cabaret bar that would appeal to adults over 25 years old. It was noted that the premises had received a temporary licence over Christmas and that no incidents or complaints had occurred.
- In response to a question regarding the logic for including 'entertainment for adults' in the application, it was noted that there were no definite plans for this, but that the clause had been included to ensure that it was incorporated in the licence. A suggestion was made that the applicant should notify the police of the 'entertainment for adults' events that would be held as good practice. In response to a question regarding selling alcohol off-site, it was noted that this was included in several licences, but that the applicant did not intend to sell alcohol outside licensing hours. Once again, it was noted that the clause had been included in case the need would arise.  
(The solicitor noted that 'need' was not a matter for the licensing panel to consider).
- dd) In response to the application, North Wales Police noted that they had held a meeting with the applicant and the legal representative on 9 January to discuss the application. It was noted that the opening hours corresponded to the hours of similar premises in the Bangor area and that additional conditions had been agreed upon (an additional clause to implement CCTV and door supervisors). It was highlighted that there were no problems with the premises and therefore no evidence to object. In terms of notifying the Police about events in the premises, it was noted that there were no strict requirements under the Licensing Act which stated that the police had to be communicated with, but that nothing stopped the applicant from notifying the police of events and continuing to co-operate and consult with the police and the local authority.
- e) In response to the application, Councillor Jean Forsyth (local resident) noted that she did not have any objection to the application, but that she had observations and requested additional information regarding some matters that were noted. (It appeared that some of the observations had been made on the original application and Councillor Jean Forsyth now accepted the amendment to the opening times).

In terms of responding to a question regarding amplified music, it was noted that a report from the Environmental Health Service recommended noise conditions. The applicant noted that he did not intend to create loud noise and that he was ready to collaborate with local people. In terms of the concern of having gambling machines in the premises, it was reported that the applicant had the right to two machines under the Licensing Act 2003. In addition, Councillor Forsyth expressed that there was not enough information regarding promoting the licensing objective of 'protecting children from harm'. The applicant noted that he intended to arrange events during the day for children and he would ensure that this would be undertaken within the licence agreement. Councillor Forsyth expressed that the application form, referring to the instruction notes, was misleading. The solicitor said that the application form was a standard one and that the authority did not have the power to adapt the form.

- f) In response to the application, Gwenan M Williams (on behalf of the Environmental Health Service) noted that discussions had been held with the applicant. The Service did not object to the application but suggested that standard noise conditions be included on the licence. In response, the applicant noted, though the information was very technical, that he had agreed with some of the measures to 'insulate' the premises. Over Christmas, there had been an opportunity to assess noise levels and to undertake adaptations and improvements to the premises in order to reduce the noise output. It was approved that there was good collaboration between the service and the applicant.
- ff) It was highlighted that the Local Member had not submitted any observations.
- g) A letter that was received from Bangor City Council was acknowledged. In response to observations regarding a 'saturation point', several establishments were listed within the city that had closed, therefore fewer establishments existed than before. The Chair reiterated that a 'saturation point' was a matter for the licensing authority, and not Bangor City Council.
- h) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered 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

- i) The Sub-committee was in favour of approving a new licence in accordance with the application. The Sub-committee was of the opinion that the application complied with the four licensing objectives and that the premises co-operated with the relevant authorities.

**RESOLVED TO APPROVE A NEW LICENCE IN ACCORDANCE WITH THE APPLICATION AS SUBMITTED BEFORE THE SUB-COMMITTEE, SUBJECT TO THE FOLLOWING BEING INCORPORATED INTO THE LICENCE:**

- 1. The conditions recommended by the Environmental Health Service in relation to noise control.**

**Based on the written and verbal observations, the Sub-committee was satisfied that the application along with the noise control conditions was adequate to promote the licensing**

**objectives.**

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 2.00pm and concluded at 3.10pm.