



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

10.00 am, MONDAY, 7TH MARCH, 2016

Location

Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

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(DISTRIBUTED March 1st 2016)

CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Annwen Daniels
Christopher Hughes
W. Tudor Owen
R. H. Wyn Williams

Annwen Hughes
John Wyn Williams
Ann Williams
Vacant seat

Independent (5)

Councillors

John Brynmor Hughes
Angela Russell
Louise Hughes

Eryl Jones-Williams
Elfed Williams

Llais Gwynedd (2)

Councillors

I. Dilwyn Lloyd

Peter Read

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

1 - 3

The Chairman shall propose that the minutes of the meeting of this Committee, held on 01.12.15 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

4 - 24

Submitted - for information, the minutes of a meeting of the Central Licensing Sub-committee held on:

09.10.15
24.11.15
21.12.15
12.01.16
29.01.16

6. GWYNEDD COUNCIL GAMBLING POLICY

To Follow

Consider report by Licensing Manager

7. FFORDD GWYNEDD - LICENSING EXCERCISE

Oral update by Senior Manager Planning and Environmental

CENTRAL LICENSING COMMITTEE 1/12/15

Present: Eryl Jones-Williams (Chair)
W. Tudor Owen (Vice-Chair)

COUNCILLORS: Annwen Daniels, John Brynmor Hughes, Angela Russell, Ann Williams, Elfed Williams and R. H. Wyn Williams

OFFICERS: Lowri Haf Evans (Members and Scrutiny Support Officer), Geraint Brython Edwards (Solicitor), Sheryl Le Bon Jones (Operational Systems Manager - Public Protection) and Gareth Jones (Senior Planning and Environment Service Manager)

1. APOLOGIES

Apologies were received from Councillors Craig ab Iago, Annwen Hughes, Louise Hughes, Dilwyn Lloyd and Peter Read.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present

3. URGENT ITEMS

Nothing to note

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee, held on 3 November 2015, as a true record

5. OUTCOME OF THE CONSULTATION ON DRAFT STATEMENT OF LICENSING POLICY - LICENSING ACT 2003

A report was submitted by the Licensing Manager setting background information for the public statutory consultation that was held between 4 and 24 November. Reference was made to a hand-out that summarised the details of the consultation.

It was noted that the Licensing Unit had received one response to the consultation from the Senior Policy and Research Officer at Alcohol Concern Cymru, Cardiff. It was confirmed that the observations received had been very useful and the Committee was asked to consider them.

The first observation was that there was an opportunity for the authority to note that Public Health, although it was not one of the licensing objectives, was important to the authority and it was suggested that the wording of the

policy should be modified in order to encourage applicants to show in their operating schedule how they would contribute to the Council's aim of promoting a healthier lifestyle.

In response to the observation, the members intimated that highlighting concerns like this was encouraging and the need to modify the wording of 2.14 of the policy was accepted.

The second observation was including an appendix that listed the robust conditions that could be set on licences in order to prevent irresponsible alcohol promotions and displays. It was noted that the policy wording was acceptable and in accordance with the Act, and that the Licensing Authority should not utilise standard conditions.

The third observation made was a request to include more statistics in the policy, but it was highlighted that the relevant supplement had been prepared jointly with other Local Councils across North Wales, and it was decided not to modify the wording.

It was confirmed that a response had been sent to Alcohol Concern Cymru acknowledging their observations, and a further response of the decision would be sent by letter to the respondent.

RESOLVED

- a) ACCEPT MODIFICATION TO PARAGRAPH 2.14 OF THE STATEMENT IN ACCORDANCE WITH THE OBSERVATIONS RECEIVED**
- b) APPROVE THE STATEMENT OF LICENSING POLICY FOR THE CONSIDERATION OF THE FULL COUNCIL ON 10 DECEMBER 2015.**

6. AMENDMENT TO THE LICENSING ACT 2003 - THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

- a) A verbal update from the Licensing Manager was received in the context of changes to activities that were considered as regulated entertainment. At a Central Licensing Committee meeting held on 9th March 2015, particular attention was drawn to the amendment,

'No licence is required between 8am and 11pm on any day, with no limit on audience size for any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority'

Members were reminded of their decision for the Licensing Department to contact the Education Department to highlight the changes together with the conditions (out of hours only) as there was potential here to save £16k a year in licensing payments (as every school licence was 24hrs, and the Education Department owned

each licence).

In response to that decision, it was noted that the Licensing Department had mailed every school in Gwynedd and had received 10 responses to date. It was confirmed that the Licensing Department would continue to remind others to respond.

- b) At a Central Licensing Committee meeting held on 22 June 2015, it had been highlighted that the Deregulation Act 2015 dealt with a wide variety of measures and included measures that affected 'alcohol, sport and entertainment' and specifically the Licensing Act 2003. It was noted that the amendments would be introduced gradually.

One of the recent amendments (coming into force 1.10.15) was giving powers to Licensing Units to exempt hot food supplies, with specific guidelines for implementing this. It was also noted that the Local Authority would be able to set a specific area / or a designated description e.g. petrol stations, Local authority premises less than 500, schools less than 500, hospitals, halls, churches, premises that were designated to sell alcohol. It was confirmed, if the Council were to decide to utilise these powers, then a consultation process would have to be followed in order to share information in terms of setting designated areas. It was noted that the Council had not set designated areas and that this had been noted in the revised policy.

In response to the observation, it was noted that this was a substantial piece of work and that there was a need to hold discussions with councils across North Wales and Nationally to see developments before progressing.

RESOLVED to accept the information and a request was made for the Licensing Unit to give an update on every revision / consultation as they come into force.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

CHAIRMAN

CENTRAL LICENSING SUB COMMITTEE 9/10/15

Present:

Councillors: Cllr Eryl Jones-Williams, Cllr Tudor Owen, Cllr Annwen Hughes

Also in attendance: Geraint Brython Edwards (Solicitor), Heilyn Williams (Licensing Officer) and Lowri H Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to share their observations.

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE

APPLICATION TO VARY A PREMISES LICENCE – THE VICTORIA-N-SLIPWAY, MARINE PARADE, TYWYN

On behalf of the premises: Mr Mark Greaves (applicant), Ms Karen L Darby (agent)

Local Member: Cllr Mike Stevens

Others in attendance: Mr Robert Wynne (Local Resident)

Apologies: R Price, S Pickering and Mr Oliver (Local Residents), Sheryl Le Bon Jones (Licensing Manager), Mr J Hughes (Fire Service), Mr Ian Williams (North Wales Police), Councillor Anne Lloyd Jones (Local Member) and Cllr Angela Russell.

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application of Mr Mark Andrew Greaves on behalf of the Victoria-N-Slipway Pub company for a new premises licence for The Victoria-N-Slipway, Marine Parade, Tywyn. It was an application for a new premises which would include a dining area across two floors for 150 people with an external balcony and

beer garden at the side. Details of the current hours and the proposed hours had been noted in the report.

It was noted that the applicant had included appropriate steps to promote the four licensing objectives as part of the application.

Following a consultation period, it was noted that North Wales Police did not object to the application, but proposed that CCTV should be installed on the premises subject to specific CCTV conditions. Seven objections to the application had been received from local residents based on the licensing objectives of Preventing Crime and Disorder and Preventing Public Nuisance. Their concerns involved late opening hours, the premises' proximity to residents' homes, which would be likely to cause public nuisance and a lack of parking facilities.

- b) 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 submit 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.
- c) In elaborating on the application, the agent on behalf of the applicant noted that he was happy with what had been submitted and confirmed that, following discussions with North Wales Police, he had agreed to CCTV conditions. Additional observations of the applicant's intention;
- Maintain a good local reputation with high quality service.
 - There would be no disturbance to local residents. The building had been designed with residents in mind. There was no intention to cause concern for local residents, but rather to collaborate.
 - The plans had not been adapted - the proposal is a restaurant and not a nightclub.
 - Materials to prevent/reduce noise would be used.
 - Flexibility with opening times depending on events and on the business. The hours corresponded with the opening hours of nearby public houses.
 - The premises was in a location which was popular with tourists. It would also provide a service which responded to local demand and created local jobs.
 - The area would be likely to be policed frequently due to an increase in activity.
 - There was no lack of parking spaces in Tywyn - plenty of spaces on the beach.
 - Individuals under the influence of alcohol would not have access after 11pm.
 - Staff would receive appropriate training on how to deal with behaviour.
 - Tywyn needed to be an area which prospered and succeeded.
 - It would be ensured that the four licensing objectives would be

prioritised.

In response to the observation involving policing, the applicant noted that although he had suggested more policing, this had not yet been confirmed. However, he expressed that discussions had been held with Mr Ian Williams (Licensing Co-ordinator, North Wales Police) and that he was happy with the premises' security situation. He expanded by noting that he had agreed to the CCTV conditions and that there would be door supervisors present during events. In response to a question regarding when the business would open - the applicant noted, 'as soon as possible'.

- d) In response to the application, a Local Resident (who objected to the application) noted the following observations:
- He did not dispute the development - it was nice to see a striking building in the town being developed
 - He and four of his tenants had concerns regarding noise carrying during the night.
 - Object to the licence on the grounds of late hours only. Propose that the licensed hours should be reduced from 2:00am to 12:00am. 2:00am seemed too late.
- dd) The objector was reminded of his right to request a review should matters involving noise occur.
- e) The Local Member was permitted to submit observations although he had not submitted written observations.

In response to the application, a Local Member (who supported the application) noted the following observations:

- He was not aware that the Town Council had discussed the matter
 - Many people favoured the application and were generally supportive of it Tywyn needed to develop to become a prosperous town
 - The development was a clear step which would offer beneficial service to the town and would certainly encourage local people to stay in the area
 - This would be a valuable business for the town and would respond to the demand
 - Noise problems would be likely to be dealt with through appropriate legislation
 - He was not aware of the objections - nobody had contacted him directly.
- f) The other six letters that had been received were acknowledged.
- The relevant parties left the meeting.
- ff) 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 -
- Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

The Sub-committee was willing to approve the licence in line with the application and the four licensing objectives. There were no grounds to the evidence of complaints that granting the licence would lead to disorder and nuisance, and it was suggested that noise complaints for the future would be passed on to the appropriate service. The applicant was wished well with the new initiative.

RESOLVED to approve the application for a premises licence in accordance with the objectives of the Licensing Act 2003 together with ensuring that CCTV is installed within the premises in line with specific CCTV conditions.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 10:45am and concluded at 11:45am.

CHAIRMAN

CENTRAL LICENSING SUB-COMMITTEE 24/11/15

Present: Councillors W. Tudor Owen (Chair), Ann Williams and Elfed Williams.

Also in attendance: Siôn Huws (Senior Solicitor (Corporate)), Sheryl Le Bon Jones (Public Protection Manager) and Bethan Adams (Member Support and Scrutiny Officer).

Others present: Susan Roberts (Applicant), Christopher O'Neal (Applicant's agent), Daniel Jones and Aaron Thomas (Applicant's witnesses).

Inspector Brian Kearney and Mr Ian Williams (on behalf of North Wales Police)

Ffion Muscroft and Gwenan M. Roberts (on behalf of Environmental Health, Gwynedd Council).

1. WELCOME

The Chair welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Mr Christopher O'Neal (Applicant's agent) declared a personal interest as he was a Gwynedd Council elected member.

The Senior Solicitor (Corporate) explained that it was appropriate under the regulations for him to be present at the meeting as he was exercising the public's right to be present and to contribute.

3. ADDITIONAL DOCUMENTS

It was noted that two additional documents had been submitted by the applicant, namely a standard letter from the Public Protection Service and statutory noise guidelines. Confirmation was received that all parties agreed that they could be submitted at the hearing.

4. PROCEDURE FOR THE HEARING

The Chair elaborated upon the procedure for the hearing and noted that the objectors would speak first as objections to Standard Temporary Event Notices were being considered.

In addition, he noted that evidence from the relevant parties would be considered in relation to the three applications and then the relevant parties would have to retire from the meeting so that the Sub-committee could reach a decision on the three applications separately.

5. STANDARD TEMPORARY EVENT NOTICE APPLICATION (1)

Submitted – the report of the Licensing Manager elaborating on the objection notices received from North Wales Police and Gwynedd Council Environmental Health to the Temporary Event Notice (TEN) received on 12 November 2015 from Mrs Susan Roberts in relation to holding proposed licensable activities at 342 High Street, Bangor for three days, as follows:

27 November 2015 from 11:00 to 03:00

28 November 2015 from 11:00 to 03:00

29 November 2015 from 11:00 to 23:59

It was noted that two options were available for the Sub-committee, namely:

- To do nothing and allow the event to carry on as described in the temporary event notice; OR
- To issue a counter-notice, i.e. refuse the event in accordance with Part 105(2)(b) of the Licensing Act 2003 if the sub-committee considered that this needed to be done to promote one of the Licensing objectives.

In response to a member's enquiry regarding the number of licensed premises in the vicinity that were open until 03:00, the Licensing Manager noted that Academi, Mirage, Peep and Skerries were open until this time on various days between Friday and Sunday.

The applicant's agent enquired when the objection had been received from Environmental Health. The Licensing Manager noted that the objection had been received on 17 November 2015.

Inspector Brian Kearney elaborated upon North Wales Police's objection to the TEN and noted the following main points:

- That a meeting had been held with the applicant on 26 October 2015 at Bangor Police Station where events, times, security requirements and the need for fully functional and recording CCTV and that the recordings should be retained for 31 days had been discussed. He added that the process in terms of dealing with disturbances had been noted along with the need to inform the police of such incidents. The police's wish for the premises to join Pubwatch had also been noted.
- It was emphasised that the applicant had been fully aware of her responsibilities following the meeting;
- Details of an assault that had taken place at the premises between 01:00 and 02:00 on 1 November 2015 were provided. It was noted that no first aid or advice had been offered to the victim;
- That the CCTV system had not recorded the incident as the applicant had not paid £9.99 to save the recording on a Cloud system;
- That the application was objected to based on the prevention of crime and disorder and in terms of health and safety;
- He noted that the applicant had experience of running a social club in Maesgeirchen, Bangor but that managing an establishment in the city centre was completely different;
- He had no faith that the applicant would report any such incident nor did he have faith in the CCTV system's ability to record.

Members were given an opportunity to ask questions of the objector; in response the North Wales Police representative noted:

- That the premises staff were not aware whether or not the CCTV system was working and that it was required for someone to be present to download a recording as the police only had 24 hours to detain a suspect. This had not been available as the system was not recording;
- That time had been spent trying to ascertain the details of the incident; however, it had been made clear at the meeting with the applicant what was expected of her;
- That the schedule given to the applicant noted the need to retain the CCTV recording for a minimum period of 31 days;
- That the Police did not have any concern regarding the number of security staff that had been present.

The applicant's agent asked a number of questions in relation to confirming the details of the incident to the North Wales Police representative. The Inspector responded to the questions.

Gwenan M. Roberts elaborated upon Environmental Health's objection to the TEN on the grounds of preventing public nuisance and she noted the following main points:

- That the unit had received a complaint via telephone on 9 November 2015 in connection with the noise levels of the premises in question during the period 30-31 October and 6-7 November;
- That the premises currently operated under a TEN to hold events but it was understood that a premises licence application had been submitted;
- That a noise-related standard letter had been sent to the applicant providing information regarding the complaint and noting that the complaint would be investigated. It was added that the investigation was currently ongoing;
- That discussions had been held with the applicant and the unit's willingness to negotiate in relation to the hours was noted as it was felt that opening hours until 03:00 was too late. It was noted that the service would withdraw its objection should the hours be changed to 00:00 on 27/28 November and until 23:00 on 29 November;
- That the applicant had been contacted again on 20 November where it had been noted that the service would be willing to discuss a finish time of amplified music of 01:00 on 27/28 November and it was advised that the doors in the smoking area should be closed if this was the source of the noise problem;
- Subsequently, a telephone call had been received from the applicant's agent noting that there would be no further negotiation regarding the hours;
- Concern was expressed that further noise complaints would be received if the events requested would proceed.

Members were given an opportunity to ask questions of the objector and in response the Environmental Health representative noted:

- That 2 or 3 residential buildings were located near the premises and that there were others in the vicinity;
- With regards to how loud music could be played, that it depended on the background noise levels and on the proximity of the premises to the affected properties;

- That the agent was concerned in relation to reducing hours as the premises did not receive customers until later on in the night. It was added that an email had been received from the agent offering to amend the application to note amplified music until 02:00 on 27/28 November and until 11:00 on 29 November. It was noted, following a discussion with the Police, that they continued to object as 02:00 was still too late.

The applicant's agent asked a number of questions to the Environmental Health representative in relation to confirming the details of the complaint received. The representative responded to the questions.

The applicant's agent noted the following main points to support the TEN application:

- That the applicant had been working in the licensed field for 10 years and that only two violent incidents had occurred during this period;
- That the applicant had attended a meeting with North Wales Police officers and that she was prepared to collaborate with them;
- That an attempt had been made to install an operational digital CCTV system but that it had not recorded due to the fact that the applicant had been unaware of the need to pay a fee. He noted that the system was now fully operational;
- That the applicant employed three security officers whilst the guidelines noted a requirement of 1 per 100 people; therefore, she was acting above and beyond the requirements;
- In relation to the incident on 1 November 2015, staff had not seen the incident and the applicant had not been aware of it until late on 3 November;
- That the victim had not informed staff about the incident and thus no first aid had been offered;
- In regards to the noise complaint, that the applicant employed an experienced DJ;
- That a number of licensed premises were open until 02:00 or 03:00 and that asking the event to end earlier would disrupt the night-time economy of Bangor;
- That Environmental Health needed to be fair and collaborate with such businesses;
- That there was a general policy in Bangor not to allow people into licensed premises after 01:00 and the applicant agreed to act in this way;
- That it was not mandatory for licensed premises to join Pubwatch but that the applicant would enrol;
- The need for the police and the applicant to collaborate.

The applicant's agent questioned his witnesses in relation to the CCTV system and the incident of 1 November 2015. Members were given an opportunity to ask questions and the witnesses responded.

The applicant's agent was given an opportunity to ask questions of the applicant and she noted that she was applying for the TENs in order to hold events as it had not been possible to transfer the premises licence into her name as the former licensee had gone bankrupt. She noted that an application for a full licence had been made for the future.

The Licensing Manager drew attention to the fact that the provision of regulated entertainment box under the licensable activities heading had not been ticked on the application form. The applicant confirmed that it needed to be ticked and as the observations provided by the objectors had been prepared on the grounds that the applicant had requested entertainment in all three applications, it was agreed to consider the application including these requirements.

6. STANDARD TEMPORARY EVENT NOTICE APPLICATION (2)

Submitted – the report of the Licensing Manager elaborating upon objection notices received from North Wales Police and Gwynedd Council Environmental Health to a Temporary Event Notice (TEN) received on 12 November 2015 from Mrs Susan Roberts in relation to holding proposed licensable activities at 342 High Street, Bangor for two days, as follows:

18 December 2015 from 11:00 to 03:00

19 December 2015 from 11:00 to 23:59.

It was noted that two options were available for the Sub-committee, namely:

- To do nothing and allow the event to carry on as described in the temporary event notice; OR
- To issue a counter-notice, i.e. refuse the event in accordance with Part 105(2)(b) of the Licensing Act 2003 if the sub-committee considered that this needed to be done to promote one of the Licensing objectives.

Inspector Brian Kearney elaborated upon the objection of North Wales Police to the TEN as per the previous application and added that although he appreciated the applicant's efforts to act in accordance with the requirements, he felt that she did not have the experience required to run a night club.

Gwenan M. Roberts elaborated upon Environmental Health's objection to the TEN on the grounds of the prevention of public nuisance as per the previous application.

The applicant's agent noted that the applicant was a suitable and appropriate person to hold a TEN whilst she applied for a permanent premises licence.

It was agreed to deal with this application as per the previous application namely that the provision of regulated entertainment box under the licensable activities heading needed to be ticked on the application form.

7. STANDARD TEMPORARY EVENT NOTICE APPLICATION (3)

Submitted – the report of the Licensing Manager elaborating upon the objection notices received from North Wales Police and Gwynedd Council Environmental Health to a Temporary Event Notice (TEN) received on 12 November 2015 from Mrs Susan Roberts in relation to holding proposed licensable events at 342 High Street, Bangor for three days, as follows:

25 December 2015 from 11:00 to 00:00

26 December 2015 from 11:00 to 03:00

27 December 2015 from 11:00 to 23:59.

It was noted that two options were available for the Sub-committee, namely:

- To do nothing and allow the event to carry on as described in the temporary event notice; OR

To issue a counter-notice, i.e. refuse the event in accordance with Part 105(2)(b) of the Licensing Act 2003 if the sub-committee considered that this needed to be done to promote one of the Licensing objectives.

The applicant's agent informed the Sub-committee that the trading hours on 25 December 2015 would only be until the end of the afternoon with the premises being used until late by the applicant's friends and family.

Inspector Brian Kearney noted that North Wales Police's objection to the TEN was as per the previous applications.

Gwenan M. Roberts noted that Environmental Health objected to the TEN on the grounds of the prevention of public nuisance as noted under the previous applications. She added that the service was concerned regarding the hours of 25 and 26 December but that she welcomed the explanation received from the applicant's agent regarding 25 December.

The relevant parties left the meeting.

The members of the Sub-committee discussed the application by considering all evidence submitted and gave specific attention to the principles of the 2003 Licensing Act, namely:

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

The Sub-committee was willing to allow the three events to proceed as described in the temporary event notices in accordance with the four licensing objectives. It was noted that the Sub-committee trusted that the CCTV system would be operational.

RESOLVED to allow the three events to proceed as described in the temporary event notices.

The meeting commenced at 11.20am and concluded at 2.55pm

CENTRAL LICENSING SUB COMMITTEE 21/12/15

Present:

COUNCILLORS: W. Tudor Owen, Ann Williams and Elfed Williams

OFFICERS: Geraint Brython Edwards (Solicitor), Lowri Haf Evans (Members and Scrutiny Support Officer), Sheryl Le Bon Jones (Operational Systems Manager - Public Protection), Gwenan Mai Roberts (Public Protection Manager - Environment) and Ffion Muscroft (Public Protection Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY A PREMISES LICENCE – THE LOUNGE, 342 HIGH STREET, BANGOR

On behalf of the premises: Mrs Susan Roberts (applicant), Mr Chris O'Neil (agent)

The Chairman, Councillor W. Tudor Owen, welcomed everyone to the meeting. The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to present direct observations on the case

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager detailing the application for a premises licence for The Lounge, 342, High Street, Bangor elaborating that the application was for a lounge bar with a dancing area. It was noted that the applicant had included appropriate steps to promote the four licensing objectives as part of the application. It was highlighted that a premises licence had existed for the premises since 2005 and it had expired in August 2014.

Following a consultation period, it was noted that North Wales Police did not object to the application, but wished for the CCTV to be installed at the premises to be subject to specific CCTV conditions. It was noted that the Public Protection Service did not object to the application, but recommended a reduction in the hours of recorded and live music as well as including fixed standard conditions on the licence to manage noise levels and prevent public

nuisance. An objection to the application had been received from the owner of adjoining flats due to noise problems, music vibration and the sound of voices emanating from the smoking area outside. It was noted that Bangor City Council had no objection to the application and that the Fire Service had not provided observations.

- b) 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 submit 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.
- c) In response to a question regarding how the hours of the application compared with the hours of the previous licence, it was noted that there was very little change between the two. In response to the opening hours of similar establishments nearby, it was noted that closing hours on the weekends was 3:00am.
- ch) When elaborating on the application, the agent on behalf of the applicant noted that he was happy with what had been submitted and confirmed that the applicant had agreed to the CCTV conditions of North Wales Police.

Additional observations of the applicant's intention;

- Bangor City's night-time economy had changed, therefore, there was a need to respond to the demand, compete with others to earn a living.
- The premises would join the National Pub Watch scheme.
- It would be ensured that the four licensing objectives would be prioritised.
- There would be no access after 1am - voluntary recommendation
- The observations of the police had been implemented
- There would be CCTV cameras watching every area within the property
- Willingness to collaborate with the police to provide recorded information

In addition to the above observations, the agent noted that there was no basis for Public Protection's complaint and that he strongly objected to the recommendations. It was argued that the conditions were unfair and that there was no consistent evidence of noise issues on the premises. In terms of noise prevention signs, it was argued that this was more than what was required.

In response to a letter of complaint from the owner of nearby flats regarding noise, it was argued that it was a complaint from a third party, and therefore, the letter had no status. The tenants themselves had not complained, and therefore, it was suggested to disregard the letter as it did

not have a status.

d) In response to the application, the Public Protection Service, which was concerned about the hours of live and recorded music applied for, noted the following observations:

- Providing observations on an application was a statutory practice - no objection had been submitted as the department had not received evidence of noise impact
- The observations of the owner of nearby flats referred to noise complaints, and therefore, confirmed noise concerns
- The noise conditions presented were standard conditions and were being proposed for all licences within residential areas. This ensured consistency and fairness for the industry of Bangor's night-time economy.
- It was noted that no complaint had been received since the temporary licence period, but it was argued that no complaint had to be received before standard conditions were proposed / imposed. The conditions were being proposed as a preventative action.

In response to a question regarding standard conditions, it was noted that Mirage had received standard conditions.

dd) The observations of North Wales Police, the owner of nearby flats and Bangor City Council were acknowledged.

e) On behalf of the applicant, an agent presented the following conclusions about the application;

- The hours of the premises were not different to any similar premises in Bangor.
- Voluntary conditions had been recommended
- Understood the need for standard conditions and therefore, willing to consider i, v and vi
- It was argued that no noise complaints had been received from neighbouring residents who were local to the area
- A designated area had been prepared for smoking

f) 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

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

The Sub-committee was willing to approve the licence in line with the application subject to the CCTV conditions of North Wales Police.

RESOLVED to approve the application for a premises licence, and a licence is granted in line with the application and subject to the following additional conditions:

- 1. People were not permitted to access the premises after 1am (this will be incorporated as a condition in part M of the Operating Schedule)**
- 2. The standard conditions recommended by the Police in relation to CCTV will be incorporated in the licence.**

The Solicitor reported that the decision would be confirmed formally in a letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 1.00 pm and concluded at 3.20 pm

CHAIRMAN

CENTRAL LICENSING SUB-COMMITTEE 12.01.16

Present: Cllrs Eryl Jones Williams, Ann Williams and Annwen Hughes

Also in attendance: Geraint Brython Edwards (Solicitor), Sheryl Le Bon Jones (Licensing Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to share their observations on the application.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. APPLICATION FOR A PREMISES LICENCE – COST CUTTER, 90 PENRHYN AVENUE, MAESGEIRCHEN, BANGOR

On behalf of the premises: Mr M Shoker and Mr Williams (applicants)

Others in attendance: Councillor Chris O'Neal (Local Member)

Apologies: Nothing 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 premises licence for Costcutter, 90 Penrhyn Avenue, Bangor, expanding that the application was for a one-storey convenience store that would sell alcohol to be consumed off-premises. It was noted that the applicant had included appropriate steps to promote the four licensing objectives as part of the application. It was added that there was a club premises certificate for the building that had come to an end in November 2015.

Following a consultation period, it was noted that no observations had been received from the Environmental Health Service nor the Fire and Rescue service and that North Wales Police had not given observations within the allotted time. Two objections to the application had been received from Bangor City Council and a Local Member because the hours for the sale of alcohol were excessive. The objections were based on the licensing objectives of Preventing Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. It was noted that the applicant had been in talks with the police and had considered adjusting the premises' closing time to 1:00am.

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 submit 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.
- b) In response to a question regarding another Local Member for the Marchog ward, it was noted that Councillor Nigel Pickavance (Marchog 2 Member) had had an opportunity to submit observations but none had been received.
- c) In response to a question regarding the opening times of other shops in the area, the Licensing Manager confirmed that 'The Stores' was open 8 - 11pm (Monday to Saturday) and 10 - 11pm (Sunday) and that the 'Corner Shop' was open 8am - 8pm (Monday to Sunday).
- ch) In elaborating on the application, the applicant noted that he was happy with what had been submitted and endorsed the following observations of his intention:
- The shop was a new building - a good investment for the area
 - The shop offered a service to local residents
 - A cafe would be part of the premises
 - He had a good relationship with the police
 - It was intended to install a CCTV system of the best quality. 64 cameras had been recommended - this was approved by the police. It was noted that a record would be kept for 30 days and staff would receive appropriate training (a training package provided by Gwynedd Council)
 - Jobs were being created locally
 - Did not anticipate any problems - the intention was to run a professional business
 - Already running similar successful businesses
- d) In response to a question regarding the cafe, it was noted that the cafe's opening hours had not been confirmed and alcohol would not be served in the cafe. It was confirmed that the cafe was part of the shop - the premises had one entrance. The aim was to create an area within the shop for approximately 35 people to enjoy light meals.
- dd) Bangor City Council's observations were acknowledged:
- e) Taking advantage of the right to speak, the local member (Marchog 1), Councillor Chris O'Neal, noted that he had no doubts about the shop's standards. His only objection and concern was that alcohol was for sale at 6:00am.

Observations noted:

- The property was located at the heart of the community
- School buses collected many school children outside the property therefore it would obviously be busy in the morning
- Did not want to see children mixing with people buying alcohol early in the day
- Concern regarding selling alcohol to children under eighteen
- CCTV does not prevent disorder
- The biggest estate in the County with a history of problems - did not want to encourage new problems
- Proposal to consider selling alcohol from 9:00am
- He had no objection to the late night hours for selling alcohol

Councillor O'Neal asked for an explanation from the solicitor about the legality of the application in light of the fact that Sections I and L of the application form had not been completed. The Solicitor noted that the applicant had not noted that they were making an application to provide late night refreshments so it appeared that they would not need to complete Section I. Section L was for information only and technically it was not required for the application as the opening hours to the public was not a licensable activity under the 2003 Licensing Act.

- f) In summarising his application, the applicant noted that the building was empty and he was investing money in the community and the local area. He noted that he had a similar shop in Bodedern and there were no problems with the opening times there.
- ff) The Licensing Manager confirmed that the plan for the new building was for a shop. A brief plan of the shop was attached to the application and the application was discussed based on this plan. If anything were to change in the plan for the shop, it was explained that an application to vary a premises licence would have to be submitted. It was confirmed that the Sub-Committee had made a decision on the plan, which was part of the application.
- g) A request was made for the applicant to ensure that there were enough bins outside the shop to prevent litter.
- h) The relevant parties left the meeting.
- i) 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 -
 - Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

The Sub-committee was willing to approve the licence in line with the application. It was noted that there was insufficient evidence that the licence would contribute to the principles of the 2003 Licensing Act and it was not possible to make presumptions about possible situations when considering the case. The applicant was asked to collaborate with North Wales Police and the Fire and Rescue Service, and if problems arose in future it would be possible to make an application for a review.

RESOLVED to approve the application for a premises licence. The licence was issued in line with the applications but was subject to the following:

- 1. In line with the application at the hearing, a final time of 1:00 Monday-Friday was set for providing alcohol off-premises.**
- 2. The following were incorporated as conditions in relation to Closed Circuit Television:**
 - a. Closed circuit television records to be kept for 30 days**
 - b. Staff would receive appropriate training on the Closed Circuit Television system, in line with the training package provided by Gwynedd Council.**

The Solicitor reported that the decision would be confirmed formally by a letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.30pm and concluded at 3.30pm

CENTRAL LICENSING SUB COMMITTEE 29/01/16

PRESENT: Cllr Tudor Owen, Cllr Ann Williams and Cllr Angela Russell

ALSO IN ATTENDANCE: Geraint Brython Edwards (Solicitor), Sheryl Le Bon Jones (Licensing Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

1. APOLOGIES

An apology was received by Councillor Mair Rowlands (Local Member)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

The Chair highlighted that a request had come to hand from the applicant in item 4 to present video evidence during the hearing. The Solicitor highlighted that under the circumstances regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005 applied. As the applicant had presented late evidence each party that was present at the hearing would have to give permission for the applicant to show the clip. If any party opposed it would not be possible for the Sub-committee to consider the video.

The Sub-committee left the room and the parties were given the opportunity to watch the contents of the video.

When the Sub-committee returned to the room, the parties confirmed that they had no objection to the video being presented as evidence.

4. APPLICATION FOR A PREMISES LICENCE VARIANCE

Everyone was welcomed to the meeting by the Chair, Councillor Tudor Owen. The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to share their observations on the application

APPLICATION TO VARY A PREMISES LICENCE – UNIVERSITY PLAICE, 21 HOLYHEAD ROAD, UPPER BANGOR, BANGOR, LL57 2EU

On behalf of the premises: Mr Mehemet Ali Usal and Ms Nia Haf Davies (applicants)

Others in attendance: Councillor June Marshall (Local Member), City Councillor John Martin, Mrs A Davies (Local Resident)

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application to vary a premises licence for University Plaice, 21 Holyhead Road, Bangor. The premises are located among a row of businesses and shops in Upper Bangor

and late night refreshments are provided to be consumed off the premises. The nature of the proposed variation was applying for an extension to the licensed late night refreshments opening hours on Mondays, Tuesdays and Sundays until 03:00am. It was noted that the applicant had included appropriate steps to promote the four licensing objectives as part of the application.

It was noted that the applicant had submitted several applications to extend the licensed hours of the premises in the past. It was noted that in October 2013, the sub-committee had allowed them to extend the opening hours of the business on Friday and Saturday nights to 3:30am and in September 2014, permission was granted for them to extend the opening hours on Thursday evenings to 3:00am. It was noted that the proposed hours of the application had been included in the report.

Following a consultation period, it was noted that the Fire and Rescue Service did not object to the application and no observations had been received from North Wales Police or the Environmental Health Service. Two objections to the application had been received from Local Members based on the licensing objectives of preventing public nuisance and preventing crime and disorder. It was added that the Bangor City Councillor had no objection in principle to the application but it was suggested that the opening hours be consistent with other similar establishments.

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 submit 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.
- b) In response to a question regarding the opening hours of other establishments in the area, the Licensing Manager confirmed that Late Stop, Pizza House, Bella House and Creperie had a mixture of different opening times on different days, ranging from 02:30am to 03:30am.
- c) In elaborating on the application, the applicant noted that he was happy with what had been submitted and reiterated the following points of his proposal:
- The video had proven that people were around Upper Bangor in the early hours of the morning in search of food
 - Only one establishment was currently open - approving the application would offer people a choice and also disperse crowds
 - There had not been a police call-out since 2010. Good relationship with the police - collaborated well to provide information / CCTV evidence
 - Door supervisors would be available on Fridays and Saturdays

In response to a question regarding nearby residents, it was noted that there were people residing in Britannia Square, which was located behind the building.

- ch) Taking advantage of the right to speak, a member of Bangor City Council noted the following:

- The opening hours should be consistent with other establishments to ensure fairness
 - Needed to avoid setting a precedent
 - Needed to set a deadline
- d) Taking advantage of the right to speak, local member for Menai Bangor 1, Councillor June Marshall, made the following comments:
- That the video did not prove that the noise level was minimal
 - Consistency in the opening hours was needed
 - Disappointed that the police had not submitted any observations. She referred to a statement made by the Police in 2013 that noted that there was no need for one establishment to control the market
 - Upper Bangor was a residential area
 - Vulnerable and elderly people living in Britannia Square. Unfair that they had to deal with noise problems
 - An accident was bound to happen with people on the street

In response to a question, the member noted that she had not received any specific complaints about the premises in question, but general complains regarding noise, and pot plants being stolen and knocked over on College Road. She had no objection to the applicant, simply concern regarding the extended opening time and the noise that would probably disturb neighbours. The Sub-committee was reminded that students also lived in Upper Bangor who needed peace and quiet. It was added that problems arose during the academic term - needed to reach a compromise.

She also noted her disappointment that the Police were not present. The observation was accepted.

- dd) Taking advantage of the right to speak, Mrs A Davies, a local resident, made the following observations:
- A local resident and a member of Upper Bangor Neighbourhood Watch
 - There was a duty to protect the neighbourhood and protect local residents from crime
 - Needed to prevent noise and public nuisance
 - Needed to ensure that pavements were clean
 - Needed to ensure that staff serving food had an appropriate certificate
 - Needed to promote a healthy community
- e) The observations of the Local Member, Councillor Mair Rowlands (Menai Bangor 2) were acknowledged, she opposed the application based on public nuisance, crime and disorder and anti-social behaviour
- f) The Fire Service's observations were acknowledged - they had no objection to the application
- ff) In summarising his application, the applicant noted that he was a businessman and wanted to take advantage of the situation. He noted that it had to be recognised that Bangor was a busy city and that students had the right to be independent. If the application were approved crowds would clear more quickly - needed to consider closing the nightclubs earlier not the food outlets.

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

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

RESOLVED to approve the application to vary the premises licence. The licence was varied in line with the application, to provide late night refreshments between 23:00 and 03:00, Sunday to Wednesday, for the following reasons:

1. In reaching a decision, the relevant observations of the parties were considered. In accordance with the 2003 Licensing Act, the Sub-committee needed to make a decision based on observations that were relevant to one or more of the licensing objectives, and nothing else.
2. In considering the observations of Councillor Marshall and Arfona Davies regarding concerns about noise in Upper Bangor, the weight that could be given to the observations was very limited, as insufficient evidence had been received that any noise problem could be attributed to the premises that was the subject of the application. There was no evidence of a problem that was tantamount to public nuisance.
3. Similarly, the Sub-committee has considered Councillor Rowlands' observation regarding public nuisance and crime and disorder. Unfortunately, however, the member had not presented evidence of such events that could have been attributed to the premises. Consequently, only a little weight could be given to the member's observations.
4. The observations of Bangor City Council and Councillor Marshall calling for consistency with the opening hours of other premises were disregarded. The relevant test under the Act is not consistency with the opening hours of other premises, but whether or not the application satisfied the licensing objectives.
5. Based on a lack of evidence of problems associated with the premises which undermine the objectives, the Sub-committee was satisfied that the application for extended hours was appropriate to promote the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 10.00 am and concluded at 11.50 am

CHAIRMAN