
CENTRAL LICENSING SUB COMMITTEE 17/07/18

Present: **Councillors:** Eryl Jones Williams (Chair), Angela Russell and Edgar Wyn Owen

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE – STAR KEBABS, HIGH STREET, BANGOR

On behalf of the premises: Mr Mehmet Kabadayi and his son Emre Kabadayi

Others invited: Mr Ian Williams (Anglesey and Gwynedd Licensing Co-ordinator, North Wales Police)
PC2430 Dana Baxter

a) **The report and recommendation of the Licensing Department.**

Submitted – the report of the Licensing Manager giving details of the application to change the conditions of a licence in relation to door supervisors agreed by this Committee following a review of the licence in 2012 by North Wales Police. It was explained that the premises was licensed to sell late night refreshments, seven days a week, and currently this was conditional to having door supervisors, who were registered with the Security Industry Authority, present at the premises from 23.00 on Thursday, Friday and Saturday evenings until the premises closed, as well as on the Sunday evening before any Monday bank holiday.

It was noted that Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation

period.

It was noted that following the consultation period, a response had been received from North Wales Police. The Police did not object to the proposal to employ door supervisors from midnight onwards on weekends and on the Sunday evening prior to a Bank Holiday. However, the Police did not support the intention of the premises to open for an additional half an hour on a Thursday evening.

It was highlighted that the applicant had not given details of the need to have an additional half an hour on a Thursday evening on the application form.

In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present 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) Elaborating on the application, the applicant confirmed that the application for an extension in the hours of late night refreshment on a Thursday evening was an error. Although he had sought to vary the opening hours on a Wednesday evening to 3:30am, the Chair highlighted that this was not a matter for discussion and if he needed to amend the licence hours then a new application would have to be submitted.

In the context of door supervisors, he explained that door supervisors were not required on a Thursday evening as the premises closed at midnight.

- c) Taking advantage of his right to speak, an officer from the Police confirmed that he did not object to reducing the door supervisors' hours on a Thursday evening. He highlighted that there had been problems in the past where sufficient evidence was submitted to justify a review of the premises licence with additional conditions in relation to CCTV and door supervisors. In submitting their application for a review, the Police had evidence of 18 cases of crime and disorder associated with the premises late at night. It was noted that in September 2012 the Police had prosecuted the licence holder for operating beyond the licensed activity hours.

It was highlighted, in an application from the applicant to vary the licence in March 2013, that the Police had noted that the additional conditions, in relation to CCTV and door supervisors, had been extremely effective and ensured that the premises complied with the Licensing Objectives, although recently the applicant had failed to share evidence from the CCTV system. It was explained that there were problems with downloading data and it was stressed that the applicant's responsibility was to provide information at the request of the Police or Licensing Officers. It was highlighted clearly in the licence's conditions that pictures had to be stored for at least 31 days.

- ch) In considering the application, the Licensing Officer's report was considered, in addition to the application form, the written comments that came to hand from the

interested parties, and the verbal comments presented by all parties present at the hearing. The Sub-committee also considered the Council's Licensing Policy, Home Office guidance and the principles of the Licensing Act 2003.

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

RESOLVED to approve the application for a variation as amended.

The licence was varied as follows:

- 1. The premises will not be required to provide a door supervisor registered with the Security Industry Authority (SIA) on a Thursday.**
- 2. The premises will provide a door supervisor registered with the Security Industry Authority (SIA) from 00:00 until closing time on a Friday and Saturday evening, as well as a Sunday evening before a Bank Holiday.**

Specific consideration was given to the following matters.

There were three sections to the applicant's original application form:

1. Extension of time in relation to the provision of late night refreshments on a Thursday evening to 03:30.
2. Variation in order that the premises will not be required to provide a door supervisor registered with the Security Industry Authority (SIA) on a Thursday.
3. Variation in order that there is the provision of a door supervisor registered with the Security Industry Authority (SIA) on Friday and Saturday evenings and on a Sunday evening before a Bank Holiday.

At the hearing the applicant confirmed that the application for an extension in the hours of late night refreshment on a Thursday evening was an error. In the circumstances, this section of the application was withdrawn and the Sub-committee did not give it any further consideration. However, it was also highlighted that the Sub-committee could not have considered this section of the application or any application to extend the hours under an application for a variation under section 35 of the Licensing Act 2003, as such an application would be unlawful under section 36(3) of the said Act.

As a result of the explanation that there was no application to extend the hours on a Thursday, and as a result of confirmation from the Police that there was no objection to the remainder of the application, the Sub-committee was satisfied that the application was in keeping with the licensing objectives.

The meeting commenced at 2.10 pm and concluded at 3.10 pm

CHAIRMAN