

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	23 February 2021
TITLE:	APPLICATION TO REVIEW A PREMISES LICENCE - THE WAVERLEY, BANGOR
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1. APPLICATION RECEIVED

- 1.1 An application is appended to review the premises licence of The Waverley Hotel, 10 Station Road, Bangor LL57 1LR from Inspector Chris Hargrave on behalf of North Wales Police. The application for review is submitted due to failure to comply with the premises licence conditions in relation to CCTV, failure to ask for proof of age to individuals who appear to be under 18; and the failure of the licence holder to maintain control in the context of the Covid-19 crisis.
- 1.2 The Police noted that the Public are concerned about the premises and the lack of control. This is highlighted by an on-line petition calling for the premises to be closed down. It is noted that hundreds of people have signed the petition.

2. Background

- 2.1 It can be seen from the application that the Police had considered a proposal for the licence holder to submit an application for a Minor Variation to the premises licence; however, due to circumstances and the repeated failures of the licence holder to control the situation, the Police are eager to submit the application to this Sub-committee in order to ensure a full review, with consideration given to the recommended changes to the licence.
- 2.2 It is noted in the application that the Police had highlighted a number of issues with the licence holder; and there has been considerable correspondence between the licence holder and the Police's licensing officer, and the Council due to a failure to implement recommendations. Recently, it is noted that a recommendation to ensure that door supervisors are on the premises every Friday and Saturday night was generally ignored; and that this needed to be included as a condition in order to monitor compliance.
- 2.3 Officers from the Licensing Authority are satisfied that there is sufficient evidence that the application has been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations and is therefore valid.

3. Problems found by North Wales Police

- 3.1 **Closed circuit television CCTV**
- 3.2 The existing CCTV on the premises does not cover every licensed area, and those areas that are relevant to the licence conditions. This was highlighted when NWP had reason to check the full CCTV recording on 19/9/20
- 3.3 The premises car park is not covered at all on the CCTV
- 3.4 The area where outside seating is permitted is not fully covered; and also, the tables cannot be viewed at all when umbrellas are in use. This became apparent when Police investigated

a case of serious assault on the premises on 19/9/20; and as a result, it was not possible to see crucial evidence.

3.5 Under-aged individuals consuming alcohol

3.6 As part of the Police investigation to serious offences on 19/9/20, at least two under-aged individuals were identified; along with incidents where alcohol had been served to them. These individuals remained on the premises for a long period and they purchased spirits without any challenge in terms of their age.

3.7 Individuals on 'Pub-watch'

3.8 Although participation in the local 'Pub-watch' Scheme is voluntary; during their enquiries, the Police identified individuals, who had been barred under the Scheme, drinking on the premises on 19/9/20; and this is another example of a lack of control on the premises.

3.9 Failure to comply with Covid-19 regulations and restrictions

3.10 Complying with Covid regulations in itself is not a condition on licences; but it is essentially important that every licence holder complies with these critical regulations, so as to comply with the public safety licensing objective.

3.11 A CCTV recording reviewed following an offence on 19/9/20 shows that there are many serious offences in relation to the regulations; thus exposing staff and customers to the potential of significant risks viral transmission.

3.12 On 23 October 2020, following the release of CCTV evidence from the Police to Public Protection enforcement officers; the Council issued a Premises Improvement Notice under the Coronavirus Public Protection Regulations 2020.

3.13 Reports of disorder and aggressive behaviour on the premises

3.14 The Police state that the premises has been the focal point of unacceptable behaviour and disorder over the last few months. There were many reports of disorder such as an incident on 16 August 2020 where it was reported that over 20 people were fighting on the premises. Another report was received on 16 September 2020 that two men were fighting on the premises; and it was reported on 19 September that people were fighting outside the premises.

4. Licence conditions recommended by the Police to be included on the premises licence

4.1 The following is recommended -

- At least two designated door supervisors on the premises every Friday and Saturday night from 18:00 until half an hour after closing time.
- Door supervisors for any other occasions where an increased number of customers is expected
- CCTV to record every public location (with the exception of toilet cubicles) inside and outside the premises; and to be available to assist Police investigations.
- CCTV to work to the satisfaction of the Police and the Council
- Ensure that the standard of lighting is sufficient to be able to identify individuals
- CCTV to record and retain images for a minimum of 28 days

- CCTV recording to be available for the Police and the Council
- A minimum of one member of staff trained and available to download images at the request of the Police or an authorised officer
- Install warning signs that a CCTV system is operational on the premises
- Ensure that a recording of incidents is retained safely for the Police.
- Full compliance with current Covid restrictions
- Training for staff to ensure a full understanding of the law in terms of not permitting under-age drinking; and how to challenge individuals who appear to be younger than 25 years of age
- Adopt a 'Challenge 25' policy
- Training record in relation to Challenge 25 policy to be available for responsible Authorities
- 'No ID card - no sale' policy
- Signs noting that such a policy is operational
- Ensure that any children on the premises are supervised by adults at all times

5. **Consultation on the review application**

The application was consulted upon and the following responses were received -

RESPONSES	REPRESENTATIONS
Public Protection	E-mail - support, and submission of evidence
Licensing Enforcement Officer	E-mail – observations and support
Fire and Rescue Service	E-mail – observations

5.1 **Representations from Public Protection**

An e-mail was received confirming support for the licence review by the Police on the grounds of the licensing objectives of protecting public safety and preventing public nuisance. It was confirmed that evidence of non compliance in terms of controlling the spread of Covid-19 had been evidenced when viewing the recording of the evening of 19/9/20 on the premises, and that this had led to the issue of a Premises Improvement Notice under the Health Protection (Coronavirus Restrictions) Regulations (Number 2) (Wales) 2020 to the licence holder, Hayley Meek on 23 October 2020.

5.2 **Representations of the Licensing Enforcement Officer**

Observations were received in support of the review application; specifically detailing visits to the premises on a joint basis with the Police following complaints relating to loud music emanating from the premises during a period of Covid restrictions in September. It was noted that, on the whole, there was compliance with Covid restriction rules during the visit on 16 September.

At the time, the licence holder informed officers that she felt frustrated as premises licence holders in Upper Bangor sent individuals who had been barred via 'Pub watch' down to The Waverley; as they alleged they would be welcomed there. Ms Meek noted that it was very difficult to operate and get those individuals to leave the premises.

Furthermore, it was noted that another visit to the premises on 25 September had revealed that the Covid Risk Assessment was incomplete. The visit had been undertaken following many

complaints from the public, along with video evidence from social media showing people dancing and singing, with the licence holder obviously participating in the celebrations; while everyone in the video seemed to be ignoring social distancing rules.

5.3 Representations of the Fire and Rescue Service Officer

Observations were received from the Fire service following a premises inspection that was undertaken on 5 December 2020. It is noted that matters relating to fire safety need to be addressed by the licence holder.

4 RECOMMENDATION

The Sub-committee is requested to consider the Police application to review the premises Licence, along with the relevant evidence submitted, and the representations of the respondents; in accordance with the requirements of the Licensing Act 2003.

It is recommended that the Sub-committee approves a review of the premises licence by North Wales Police.