

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