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## CENTRAL LICENSING SUB COMMITTEE 29/01/16

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**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

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**CHAIRMAN**