

CENTRAL LICENSING SUB-COMMITTEE 24.08.16

Present: **Councillors:** Tudor Owen (Chair), John Brynmor Hughes and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), 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 TO VARY A PREMISES LICENCE – D H Convenience Store, 109 High Street, Bangor, LL57 1NS.

The panel and the officers were introduced to everyone that was present and it was announced that everyone had up to 10 minutes to share their observations on the application.

On behalf of the premises: Mr David James Hughes and Carla Cordeiro

Others invited: Donna Evans (Fair Trading Officer - Gwynedd Council)
Ian Williams (North Wales Police)

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for D H Convenience Store, 109 High Street, Bangor, in relation to the sale of alcohol to be consumed off the premises, recorded music (background music in the shop) and showing of films. The right was sought to supply alcohol between 8:00am and 11:00pm, 7 days a week.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period. It was noted that neither the Police nor Gwynedd Council Trading Standards objected to the application, but had submitted observations. It was reported that the applicant had agreed, following a visit to the site from the Police, that there was no need to include some licensable activities, namely the showing of films and recorded music, in the application. The applicant also agreed to operate Challenge 25 along with accepting CCTV conditions on the licence. In the context of the Gwynedd Council Trading Standards' observations and recommendations, it was noted that the applicant was subject to a current investigation by service officers and that this was relevant to the licensing objective of preventing crime and disorder.

- 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, Ms Cordeiro noted on behalf of the applicant that she was happy with what had been submitted and corroborated the following observations:
- That they agreed with the observations and recommendations of the Police and would operate Challenge 25 and install CCTV
 - Their intention would be to sell alcohol to drink outside the premises
 - The trading standards service's investigation was related to illegal tobacco
 - There would not be any nuisance behaviour permitted on the premises
 - Anyone under the influence of alcohol would be sent out - no tolerance
 - Satisfied with the content of the application

In response to a question, it was confirmed that they would remove playing films and music from the application. In response to an observation about how to prevent selling alcohol to under age individuals, it was noted that they would monitor regular customers with different buying patterns and ask to see their I.D. that highlights their date of birth.

- ch) Taking advantage of the right to speak, the Licensing Officer noted, on behalf of the Police, the following observations:
- Confirmed that he had discussed the application with the applicant and that the applicant had agreed to the Challenge 25 and CCTV conditions, ensuring that images / recordings of the CCTV would be available if needed.
 - That the background music and films were occasional therefore did not need a licence
 - That the sale of alcohol from 8am was common by now, in terms of hours
 - That the investigation, related to illegal tobacco, had come to the attention of the Police in November 2015. It was related to a significant amount of illegal tobacco

In response to a question, the Officer noted that the Police had investigated the accusation of the possession of illegal tobacco that did not have a warning in English on the packets, and had decided not to proceed with the case. Therefore, from the viewpoint of the Police, the case was closed.

In response, the applicant noted that the tobacco had been bought from Pwllheli Market and that, unbeknown to them, it was illegal. The tobacco was not sold on and that selling cigarettes and tobacco in the shop was not an intention at the moment because of high costs. This would be reviewed in the future.

In response to the comments, the Trading Officer noted that their investigation was ongoing because the Trading Standards Enforcement Act was different from the Police Acts. It was highlighted that a meeting was arranged with Mr Hughes and that a decision was likely to be made within the next few weeks.

- d) In summarising the application, the applicant noted
- That she was happy with the observations

- That they intended to keep the area outside the shop clean and tidy
 - Their hope was to build a successful business
- dd) Members of the Sub-committee discussed the amended 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

along with the Home Office guidelines and the Council's licensing policy.

RESOLVED to approve the amended application for selling alcohol only and to include CCTV conditions as recommended by the Police.

The observations of the Trading Standards Services for an investigation was taking place into allegations that the applicant had been selling counterfeit tobacco and that the tobacco was sold without a warning in English on the packets were considered. Whilst the Sub-committee accepted that these issues might be relevant to the objectives of preventing crime and disorder and protecting public safety, they were no more than allegations at this time. The Sub-committee was of the opinion that if the applicant was found guilty of such allegations, this would not necessarily be relevant to the sale of alcohol. Under these circumstances, the Sub-committee was not of the opinion that the investigation that was ongoing for crimes of selling counterfeit tobacco justified refusing the application to sell alcohol. It was noted, however, that if there was such a conviction against the applicant by the Court, anyone would be able to apply to revise the licence.

The Solicitor reported that everyone present would receive formal confirmation of the decision by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

It was noted that appeal provisions did not apply to Trading Standards because they are part of the same body with the licensing authority.

The meeting commenced at 10:00am and concluded at 10:50am.