
CENTRAL LICENSING SUB-COMMITTEE, 01.05.09

Present: Councillors W. Tudor Owen (Chair); John R. Jones; Gwilym O. Williams.

Also present: Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Eirian Roberts (Committee Officer).

Others invited to the meeting:

Representing the Police: Mr Ian Williams (Police Licensing Coordinator) and Sergeant Bill Coppack (Bangor Police Station).

Applicants: Mr. G.H. Sadeghi Namaghi and Mrs. Sarah Sadeghi Namaghi.

Objectors: Arfona Davies, Ellen Roberts, Peter Talbot, Kath Thomas.

Local Member: Councillor Keith Marshall (also speaking on behalf of Bangor City Council and Karl Sadil (objector)).

Apologies: Councillor June Marshall (local member); Karl Sadil, Kevin Talbot and the Warden of Craig Menai Sheltered Housing (objectors).

1. APPLICATION TO VARY PREMISES LICENCE FOR THE PIZZA HOUSE, HOLYHEAD ROAD, BANGOR

Submitted – the report of the Licensing Manager providing details of an application by the owner of the Pizza House, Holyhead Road, Bangor to vary the existing premises licence to permit the sale of late night refreshments until 02.30am every day, with the premises closing to the public at 02.45am. It was reported that a letter had been received from the following: the Police objecting to the application on the grounds that the premises had been observed serving after their current permitted hours on two occasions; the Fire Service stating that it would not be making any representations; and the City Council, Councillor Keith Marshall and nearby residents objecting to the application on the grounds of noise disturbance. The Licensing Manager apologised that an email relating to an entirely different application had been included in the agenda by some unfortunate error.

Copies of the current premises licence were distributed to members.

In considering the application the following procedure was followed:

Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.

The applicant was given an opportunity to ask questions of the Council's representative.

Each Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon the application and call witnesses.

Members of the Sub-committee were invited to ask questions of the applicant.

The Council's representative and the applicant were given an opportunity to summarise

their case.

The Police confirmed that the main reason for their objection to the application was the fact that the premises had been observed serving after their current permitted hours on two occasions. Subsequently, they had had a Level 2 meeting with the applicants and had reached an agreement. As a result, the applicants would remain on Level 2 for the next four months; however, should there be any further breach of the conditions, the matter would be progressed to the next step. Consequently, it was confirmed that the Police did not now have any objection to the application. It was also noted that the Police had not objected to two other identical applications and that it would therefore be unfair for them to object to this application.

Councillor Keith Marshall then went on to support his recommendations as a member of Gwynedd Council and Bangor City Council by declaring that he was concerned that varying the hours would lead to an increase in the level of noise and disturbance by customers who would be staying later. He explained that the premises were in close proximity to residential properties and not in the same position as other takeaway businesses in Upper Bangor. All but one of the premises licensed to sell alcohol in Upper Bangor closed regularly at 01.30am and he felt that allowing the Pizza House to remain open until 02.00am was ample time for them to serve customers leaving these premises. He added that both the interests of the applicant's business and the impact on people living in the vicinity needed to be balanced, but that he was of the opinion that the application should be refused owing to the level of inconvenience that would be caused to nearby residents.

Councillor Keith Marshall then spoke on behalf of Karl Sadil, who had submitted a letter of objection. He stated that Mr. Sadil had experienced problems with litter, which he had identified as boxes from the premises concerned, being thrown into his garden. Currently, people remaining in the vicinity after the premises had closed were causing a disturbance, and extending the opening hours would effectively give these customers more time to cause a disturbance to Mr. Sadil and other residents.

Mrs. E.J. Roberts supported her written recommendations and stated that she was regularly woken at around 02.00am by noise. She also mentioned incidents of vandalism, but that she could not be certain as to whether this had been as a result of the premises' customers. She said that litter was a problem but that noise was her main concern. When asked, she replied that she could not be certain as to whether the noise or vandalism were caused by the premises' customers.

Peter Talbot, owner of the adjoining property, confirmed his written observations. His son who resided at the property also objected, but was unable to attend. Whilst he had nothing against the applicants, customers from the premises were impacting upon his property. He was also concerned at vehicles parking on double-yellow lines outside the property. He said that people congregated outside and had broken a window shutter. He also regularly had to clear and clean the pavement outside his property of litter and vomit to be found in the mornings. He argued that, if the Pizza House were not open, people would not congregate outside his property since there was nothing else to draw them there. Extending the hours would merely worsen the situation.

Then, the applicant spoke in favour of the application. Mr. Namaghi confirmed, contrary to the claims of one of the objectors, that he slept in the property every night and that he would therefore be aware of any nuisance created by customers. He argued that students passed the property when returning to their halls of residence in any event and that extending the hours would not change the situation. Another takeaway business, approximately 100-150m away, had had its licence extended until 02.30am and their situation was no different to his. He explained that much of his business came from students returning from the city centre and from the Time nightclub which closed at 02.00am. Consequently, the hours needed to be extended

so that they could provide a service to these customers. He confirmed that he had not been present at the premises when it had been observed open after the hours permitted under the licence, and he gave assurance that this would never happen again in future. He would do everything in his power to prevent any problems and argued that his customers were not the ones responsible for the problems that had occurred.

The applicants, Police representatives, Licensing Manager, local member and objectors left the meeting and the application was discussed by members of the Sub-committee who gave consideration to all the evidence that had been submitted and addressed specifically the principles of the act, namely:

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

and use of the evidential test of the balance of probabilities. The Sub-committee gave consideration in particular to the licensing objective of public nuisance prevention and the evidence that had been submitted by the applicants and objectors. They considered the proximity of the premises to residential properties and the number of residential properties in the vicinity. The Sub-committee weighed up the interests of the applicant and local residents and it was decided that approving the application would lead to an increase in the number of incidents of public nuisance.

RESOLVED to refuse the application.

The Chair declared that the decision was not unanimous.

The Propriety Officer reported that a letter would be sent to the applicants within a week confirming the decision of the Sub-committee, and informing them of their right to appeal against the decision within three weeks of the date of that letter.

The meeting commenced at 2.00pm and ended at 3.20pm