
CENTRAL LICENSING SUB-COMMITTEE, 06.08.09

Present: Councillors W. Tudor Owen (Chairman); J.R.Jones; Gwilym Williams.

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

Others invited to the meeting:

Applicants: Sergeant Bill Coppack, Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

On behalf of Yates: Barry Clarke; Stuart Draper; Andrew Jones; Rob Westwood-Payne (Solicitor)

Local Member: Councillor Dewi Llewelyn

1. APPLICATION TO REVIEW LICENCE – YATES, GLANRAFON, BANGOR

Submitted – the report of the Licensing Manager, providing details of an application by North Wales Police to review the licence of Yates, Glanrafon, Bangor, on the grounds of a number of violent incidents that the police had been called to over a three year period.

In considering the application, the following procedure was followed:-

- i. The Applicant was invited to expand on the application.
- ii. Members of the Sub-committee were given an opportunity to ask questions of the Applicant.
- iii. The licence holder, or his representative, was invited to respond to the observations.
- iv. Members of the Sub-committee were given an opportunity to ask questions of the licence holder.
- v. The Applicant and licence holder, or his representative, were given an opportunity to summarise their case.

On behalf of the police, Sergeant Bill Coppack submitted a report, detailing the incidents that had been referred to in the application, and he noted that the incidents had occurred either within the premises or immediately outside the entrance. Reference was made to a number of incidents between 2006 and 9 April 2009, when there had been a very serious incident which was now the subject of a court case. It was noted that the police's biggest concern was not only the fact that the number of cases around Yates had increased, but that their violent nature had also increased, and that was the main reason for submitting the application for the attention of the Licensing Section. Particular reference was made to the incident on 9 April 2009, when a customer had sustained serious injuries as a result of being attacked by one of Yates'

customers, and to how he had almost lost his life if it had not been for the medical knowledge of the police officer who had been the first to arrive on the scene.

Following visits by police officers to the public house in order to discover whether there was a link between the violent incidents and drug use, the presence of drugs in the men's toilets had been noted on many occasions, and this was being considered as evidence of the use of illegal substances. Consequently, it had been agreed to locate a CCTV camera, directed towards the sinks in the men's toilets, in an attempt to stop the habit. It was reported that equipment was available for each public house, which could identify the presence of drugs on customers and it was recommended that a condition should be imposed that the security staff on the doors used this equipment. The officer explained that traces of drugs could be found on the majority of the population now, however, the level of the traces was much higher where a person had dealt directly with any drug.

It was reported on a meeting that had been held between the Yates' Designated Supervisor and the police in order to discuss the situation, where agreement had been reached on some additional conditions on the licence of Yates, in order to seek better control. For the purposes of the review, the police had proposed three options to consider and these had been discussed with the company's solicitor before the start of the meeting, in an attempt to reach an agreement.

The sergeant referred to the police's general concern that violent incidents that occurred were often linked to alcohol consumption, in particular where there were promotions to buy cheap alcohol, such as a-pound-a-pint and 'Happy Hour', and it was noted that the police were considering a County-wide campaign in order to encourage pubs not to serve drinks in glass containers at busy periods. Another concern in the case of Yates was discovering that the CCTV cameras within the building were not working when the police wished to obtain evidence of another serious incident that had taken place in the public house.

In response to members' questions, the following observations were submitted:

- It was believed that a combination of excessive drinking, lack of control and drug use was responsible for the criminal incidents, rather than one specific reason.
- Pubwatch recommended refusing entry to any person who had traces of drugs on them.
- The police was not against promotions as such, provided they were controlled in a responsible way.
- Two further incidents had taken place since April, but these were not serious incidents.
- It was believed that all recommended conditions protected children from harm.

A solicitor on behalf of the company responded to the application, noting that they acknowledged the seriousness of the incidents and that they were eager to reach an agreement so as to seek to improve the control of the public house and to prevent such incidents from taking place in the future. He referred to the incidents noted in the police's report and noted that there was no strong evidence in every case that the offenders had been drinking in Yates. Agreement had been reached regarding the conditions in Option 3 that had been proposed by the police, and reference was made to some changes, such as installing additional cameras in the premises so that every room and part of the men's toilets were visible; no drinks to be served in glass containers on specific days from 19:00 hours until closing time; no unsealed bottles to be sold on the noted days; no promotions that lead to irresponsible drinking; on-duty security staff to be on the doors at specific periods. He added that a number of these conditions were already operational.

The members were invited to ask questions of the company's representative and the following observations were submitted:

- The current promotion of selling cheap pitchers of cocktails was considered as irresponsible as offering a-pound-a-pint or Happy Hour.
- Should consideration be given possibly to installing a camera in the ladies' toilets, so as not to discriminate.
- A member reported that he had seen four girls carrying glass bottles out of the public house a month back, despite the fact that the managers had assured the Sub-committee that this was not possible.
- The issue of dealing with the drug problem was one to be discussed on the level of the entire city, rather than in connection with one particular premises.
- The staff of the public house were confident that the new conditions would be a means of running the public house in a more effective way and would be of assistance to avoid the troubles of the past.

The applicant, the representatives of the police, the Licensing Manager, the local member and the objectors all withdrew from the meeting and the application was discussed by Sub-committee members. Consideration was given to all evidence submitted, and particular attention was given to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention.

After weighing up all evidence and discussing the case extensively, it was agreed to give the managers an opportunity to show improvement under the amended conditions, and noted that any evidence of similar incidents in the future would lead to the possibility of considering suspending the licence.

RESOLVED to modify the conditions of the licence by adding the following conditions:

- 1. The Premises Licence Holder shall ensure that staff of the Licensed Premises must not carry out (or arrange or participate in) any promotions or activity on the premises for promoting the supply, sale or consumption of alcohol which encourages the irresponsible consumption of alcohol including providing unlimited or unspecified quantities of alcohol for a fixed or discounted fee which relates to alcohol only offers or alcohol and entry into the premises offers, or selling or supplying alcohol subject to conditions that encourage or reward the purchase and consumption of alcohol in one 24 period by the awarding of a prize including the award of free gifts or free alcohol except where the offer is in conjunction with a table meal.**
- 2. The premises will be a member of any local Pub Watch Scheme.**
- 3. An active "Challenge 21" policy will be implemented by all staff employed at the premises.**
- 4. The Premises Licence Holder shall ensure that no drinks are served in glass containers from 19:00 hours until closing time every evening and all day on days when the showing of sporting events are promoted, on other specifically promoted special occasions (e.g. Christmas, Halloween) and on Bank Holiday Sundays.**
- 5. The Premises Licence Holder shall ensure that no unsealed glass bottles are passed over the bar to members of the public from 19:00 hours until closing time every evening and all day on days when the showing of sporting events are promoted, on other specifically promoted special occasions (e.g. Christmas, Halloween) and on Bank Holiday Sundays.**

6. **Any person exercising a security activity (as defined by paragraph 2(1) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Such a person will be employed at the premises after 20:00 hours until close of business that day, every Friday and Saturday and all day on days when the showing of sporting events are promoted on other specifically promoted special occasions (e.g. Christmas, Halloween) and on Bank Holiday Sundays.**
7. **Digital CCTV coverage of all areas open to the public including all entrances/exits, and including the sinks area in the men's toilets. CCTV footage to be retained for 30 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply at the time, then the relevant footage to be taken to the nearest office of that authority (in this case, Bangor Police Station) as soon as practicable, and in any case within 48 hours.**

The Sub-committee also wished the licence holder to consider the situation with regard to CCTV in the toilets and whether the arrangement should be extended to the ladies' toilets. This would be in order to ensure that everyone was treated equally and because drugs could be taken in the ladies' toilets also. Alternatively, consideration could be given to removing the CCTV from the toilets altogether.

The Sub-committee was also eager to emphasise that it was concerned about the situation and hoped that the conditions would work. Should any similar incidents be submitted before it in the future, it would be considered as a very serious matter and would consider every possible option open to it, including revoking or suspending the licence.

The Propriety Officer reported that a letter would be sent to all participants at the meeting within a week, confirming the Sub-committee's decision, and informing them of the right to appeal against the decision within three weeks of the date of that letter.

The meeting commenced at 10.30am and concluded at 12.30pm.