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## CENTRAL LICENSING SUB-COMMITTEE, 21.10.09

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**Present:** Councillor W. Tudor Owen (Chairman); Robert Anderson; Peter Read

**Also present:** Sion Huws (Propriety Officer), Geraint Edwards (Solicitor, Gwynedd Council), Amlyn ab Iorwerth (Licensing Manager) and Barbara Owen (Committee Officer).

**Apologies:** Cllr. J.R. Jones

**Others invited to the Meeting:**

**Representing the Police:** Mr Ian Williams (Licensing Co-coordinator, North Wales Police); Sergeant Bill Coppack (Bangor Police Station); Manon Owen (Acting Inspector).

**Representing Bangor Blues:** Mr Richard Williams (Owner of the Bangor Blues Sports Bar); Mr Charles Hughes (Designated Premises Supervisor); Mr James Parry (Solicitor for the Company)

**Consultees:** Cllr. Dewi Llewelyn (Local Member); Mr Gwyn Hughes (Clerk, Bangor City Council)

**1. AN APPLICATION TO REVIEW THE LICENCE OF THE BANGOR BLUES SPORTS BAR, 206 HIGH ST. BANGOR**

At the beginning of the meeting, the solicitor for Bangor Blues reported that he was unable to operate the DVD received from the Police of a tape from a closed circuit television located in close proximity to the property and requesting to see the tape before the meeting commenced. After consultation, it was reported that everyone would be able to see the tape during the meeting and then there would be an opportunity for the company's solicitor to discuss with his client whether to proceed with the meeting or not.

The meeting was closed to the public and the press during the time when the tape from a closed circuit television camera located in the High Street, Bangor, near to Bangor Blues was being played. The date shown on the tape was 25 July 2009 and the time was between 16.30 and 17.15. A number of customers were standing outside the property on the High Street, some had drinks bottles in their hands. Several incidents were seen of these customers pretending to fight and jump around in the path of shoppers passing by and one specific incident when a woman pushing a pram was nearly knocked down. One customer was seen throwing a drinks bottle up in the air when a child of approximately five years of age was standing nearby, clearly in the care of one of the customers.

After showing the tape, the solicitor, along with his client, decided to proceed with the hearing.

The report of the Licensing Manager was submitted at the request of the Police to review the licence of the Bangor Blues Sports Bar, 206 High Street, Bangor, asking for the licence to be revoked considering the number of cases that had been brought to the attention of the Police over the period since May of this year when the premises had been re-opened following an earlier suspension of the licence by the Licensing Sub-committee. If it was not agreed that the

licence should be revoked, it was recommended that there should be a period of suspension with conditions.

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

- i) The application was submitted by a Police officer.
- ii) Members of the Sub-committee were given an opportunity to ask questions of the Police representative.
- ii) The licence holder and his representative were invited to respond to the observations.
- iii) Members of the Sub-committee were given an opportunity to ask questions of the licence holder and his representative.
- iv) The Applicant and licence holder and his representative were given an opportunity to summarise their case.

When elaborating on details of the application, Sergeant Bill Coppack drew attention to several incidents that had occurred in the premises since the re-opening of the public house in May following a suspension of the licence for six weeks for -

- the sale of alcohol to under-age individuals and failing three test purchases arranged by the Police to this end
- evidence of drugs in the toilets
- selling alcohol without the Designated Premises Supervisor being present on the premises
- allowing customers to carry drinks bottles out of the premises
- lack of control of customers' behaviour
- failure to provide CCTV tapes for the Police

Information was also provided of a previous case of suspension of the premises licence for a period of six weeks from 7 April 2009 because of several similar incidents that had been brought to the attention of the Police prior to this date. Following the re-opening of the premises on 19 May, the Police had undertaken a test purchase campaign on 4 July and 15 August and the premises had failed both tests. It was reported that Police officers had looked at the nearby CCTV tapes, identifying one under-age individual exiting the building on 18 August and on 4 September the individual behind the bar was warned not to sell alcohol because the Designated Premises Supervisor was not present on the premises.

On Sunday 16 August, Police officers took itemiser swabs in the building and there was evidence that cocaine had been present recently.

When referring to the evidence of the tape shown at the meeting, the Police drew attention to a number of customers standing in the street with bottles in their hands and noting that this was a breach of one of the agreed conditions following the re-opening of the premises in May. It was noted that the Police had identified two individuals who had been banned under the terms of the local Pubwatch scheme and this was a further breach of a condition and the general behaviour of customers recorded came under the disorderly behaviour category, which was completely unacceptable in a public place.

Reference was also made to the issue of failure to contact the Designated Premises Supervisor despite several attempts to meet him and as reported by several people in the premises, Mr Charles Hughes had left and given up his job. The names of two other individuals had been received that it was alleged were in the process of registering as new supervisors.

The sergeant reported on the attempts made by Police to provide a safe and attractive environment in the High Street in Bangor and in their opinion, the behaviour of customers of Bangor Blues was detrimental to that aim. The Police recommendation was to revoke the licence of Bangor Blues because so many incidents had occurred of failing to adhere to conditions imposed so recently after the period when the licence had been suspended.

In response to questions from members of the Sub-committee, the following observations were expressed:

- the DPS, Mr Charles Hughes had now returned
- a further incident of criminal damage had occurred since the application was submitted, namely, three young lads had thrown a dumb bell on the roof of a flat to the rear of the premises on 13 October this year, causing damage to a nearby roof.
- after the Police had informed staff that an under-age customer had been drinking in the premises, no action had been taken on the information and the customer in question still remained there when Police officers returned an hour later.
- the DPS had a responsibility to prevent crime and disorder amongst customers
- members of staff had been amongst the crowd drinking outside the premises and, therefore, they had been witnesses to customers' behaviour.

The owner of the premises was given an opportunity to respond to the Police observations and the solicitor reported on his behalf:

- he disputed the manner in which the test purchasing of alcohol to those under-age had been undertaken, noting that photographs should be available to prove the allegation according to the LACORS guidelines.
- the Pub watch documents, listing the requirements and the expectations, had not been presented to the owner of Bangor Blues
- it was difficult to prove that those who appeared on the tape outside the premises had been customers
- the public was not banned from smoking on the street
- Mr Charles Hughes had been present all the time but he had not received a request to have a meeting with the Police
- the premises should not be held responsible for what had occurred on the flat roof, since the location was not an official smoking area
- the presence of drugs was not evidence of dealing on the premises
- the behaviour of customers of Bangor Blues should not be held responsible for the closure of businesses in the High Street, Bangor
- it could not be proven that bottles that appeared to be in the possession of individuals that appeared on the CCTV tape had been purchased at Bangor Blues
- the person that had been identified as being a member of staff had not been on duty when the film had been taken

In response to the above observations, the Police officers noted:-

- LACORS were only guidelines and it protected the rights of young people by refusing to provide photographs of them
- the tape showed several customers coming out of the premises with bottles in their hands
- Pub watch documents had not yet been submitted because of data protection requirements
- several individuals were witnesses that Mr Charles Hughes had returned to Liverpool and he had not attended a meeting with the Police, despite them waiting on one occasion for over an hour on the premises
- the premises had failed six under-age test purchases and had not asked for proof of age under the Challenge 21 scheme

- Bangor High Street was an alcohol free zone and, therefore, nobody should be drinking alcohol on the street
- the premises had failed to adhere to the conditions agreed at the previous hearing and consequently, they could not meet the four basic principles of the Licensing Act

A letter had been received from five people, responding to the consultations regarding the application and all supported the Police recommendations; three were owners of local businesses and the two people present were given an opportunity to support their observations.

The Local Member, Councillor Dewi Llywelyn, reported that he had received a complaint in August from the local Business Forum regarding anti-social behaviour that was occurring outside the Bangor Blues building and he expressed disappointment after receiving the complaint, considering the previous case that had been held. He noted that the present period was a difficult one to maintain businesses successfully and a campaign entitled 'Bangor Pride' was attempting to improve the quality of life of local residents and business owners. In response to a question, he received assurance that members of the Sub-committee had a right to revoke the licence of the premises permanently and he expressed his support of such a step in the face of the evidence submitted.

The Clerk of Bangor City Council, Mr Gwyn Hughes, expressed his concern on behalf of Council members with regard to the behaviour of customers of Bangor Blues, confirming that he had also received a number of complaints from local residents and owners of businesses in the High Street. He reported that some of those owners had attempted to discuss the situation with some of the staff of the premises, noting in particular, unacceptable behaviour, too much noise, drinking and swearing on the street and they had received a negative response that was quite threatening. The prevention of public nuisance and crime and disorder was an important aim of Bangor Pride and the strong opinion of members of the City Council was that the situation outside the Bangor Blues premises undermined that principle and they supported the Police recommendation to revoke the licence.

In summarising his observations, the solicitor, on behalf of the owner of Bangor Blues stated:

- a) he did not accept the allegation involving the sale of alcohol to those under-age in the absence of evidence
- b) the tape evidence taken on one day only was insufficient
- c) it could not be proved that those individuals on the film were customers of Bangor Blues
- d) the claim for the failure of local businesses could not be placed on one licenced premises

The tenants, Police officers and the Licensing Manager left the room whilst the Sub-committee discussed the application.

When deliberating, the Sub-committee considered the following matters -

- a) The number of incidents recorded by North Wales Police and especially those that pertained to the sale of alcohol to those under-age.
- b) The fact that incidents continued to occur despite the fact that an earlier hearing had drawn attention to the problems and the owner failed to adhere to the conditions that had been agreed.
- c) The fact that the consultees supported the Police and had spoken on behalf of local residents and nearby business owners.
- ch) Whether to revoke the licence or a temporary suspension would be the best way to overcome the problems.
- d) It was an exception for the Police to apply to revoke a Premises Licence unless there was a strong case for recommending it.

dd) It was obvious that there were severe problems involved with the management of the premises and consequently the premises were unable to uphold the principals of the Act every time.

**RESOLVED to revoke the Licence of the Bangor Blues Sports Bar**

The Propriety Officer reported that a letter would be sent to everyone within five working days, confirming the decision of the Sub-committee and informing everyone of the right to appeal against the decision and that the decision of the Sub-committee would come into effect following the period when an appeal was permitted, or if there was an appeal, when that appeal had been decided.

The meeting commenced at 11.00am and concluded at 1.30pm.