

---

## CENTRAL LICENSING SUB-COMMITTEE, 09.07.10

---

**Present:** Councillor W. Tudor Owen (Chairman);  
Councillors Ieuan Roberts and Gwilym O. Williams.

**Also present:** Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Gwyn Parry Williams (Committee Officer).

**Others invited to the meeting:**

**Applicants:**

**Representing Bella Take Away:** Mr Talal El-Arab (Applicant) and Mr R.A. Jones (Solicitor)

**Representing the Police:** Inspector Manon Owen, Sergeant Bill Coppack; Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

**Representing the objectors:** Mr Paul Mayer, Mrs Wendy Mayer, Mr John Martin

**Local Members:** Councillors June Marshall and Keith Marshall

**Welcome**

The Chairman welcomed three students from Bangor University to the meeting, namely Osian P. Hughes, Rhian George and Catrin Roberts who were undertaking work experience with the Police.

**1. APPLICATION TO VARY THE PREMISES LICENCE OF BELLA TAKE AWAY, 8 HOLYHEAD ROAD, BANGOR**

Submitted – the report of the Licensing Manager giving details of the application submitted by Bella Take Away, 8 Holyhead Road, Bangor, to vary the premises licence to permit the sale of hot food from 23:00 until 03:00 on Sunday to Thursday, and from 23:00 until 03:30 on Friday and Saturday, with the premises closing fifteen minutes later. In line with the current licence, the premises was entitled to sell hot food until 02:30 and close at 02:45 every day of the week.

It was reported that, following the appropriate consultation period, observations had been received from the Police, an e-mail from one of the local members and letters from numerous neighbouring residents, each stating their objection to the extended hours. The Fire and Rescue Service had no observations to offer on the application. In response to a question by the sub-committee, it was confirmed that Bangor City Council had not submitted their observations within the specified time, and as a result had not submitted to the sub-committee.

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

- i. Members of the Sub-committee and the Applicant were given an opportunity to ask questions of the Licensing Manager
- ii. The Applicant was invited to expand on the application.
- iii. Consultees were given an opportunity to support their observations.
- iv. The licensee, or his representative, was invited to respond to the observations.

- v. Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii) The Applicant or his representative were given an opportunity to summarise their case.

The consultees were invited to support any observations submitted by letter and Sergeant Bill Coppack reported that the police had serious concerns with regards to the extended hours. He noted that takeaway establishments in Upper Bangor were currently closing earlier than the majority of licensed premises in the area. Allowing these establishments to remain open after other licensed premises, would in their view, lead to an increase in crime and disorder problems caused to residents. By granting the extended hours, customers would have been drinking alcohol for a longer period of time and that would lead to the possibility of alcohol related crime and disorder. He submitted statistics to the sub-committee outlining the calls received by the police in the period of twelve months up to the previous day. These related to two areas of Upper Bangor, namely Glanrafon Hill and part of the Holyhead Road area. He explained that in the area around Glanrafon Hill the police had been called out 296 times, and that 32.5% of those had been between 10:00pm and 4:00am. They had been called out ten times between 2:30am and 4:00am (i.e. the period that would be covered by the extension of hours) and that 1.9% of these had resulted in prosecution. This meant that 50% of all calls made after 2:30am resulted in prosecution, compared to 7.8% at other times. In respect of the second area, there had been 415 calls, with 6.5% after 2:30am and 2.9% had resulted in prosecution. This meant that the majority of prosecutions had arisen from instances between 2:30am and 4:00am. This was the period when the police were most likely to find disorder due to the length of time that people had been drinking. The police believed that the people responsible for disorder would be attracted to the premises after 2:30am.

All the objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- That approving the application would affect the amenities of the local residents especially the elderly who lived in flats opposite the premises. It was noted that many local residents as well as students were being disturbed by people leaving pubs and clubs, and who proceeded to buy food at takeaway establishments. Should the extended hours be granted, residents would be kept awake until 4:00am or later. Many residents had to get up early to go to work, take their children to school or to attend lectures at the University.
- That it would create more noise, litter and general anti-social behaviour to the detriment of the quality of life of local residents and would create further problems for the police.
- That approving this application would contribute to the problems that already existed such as vomiting, food being disposed of on the street and glasses being broken on the street.

One of the local members, who was also a member of Bangor City Council, reported that Bangor City Council objected the application.

In support of the application and in response to some of the above observations, a solicitor on behalf of the applicant informed the sub-committee -

- That whilst problems did exist in Upper Bangor, it was important to consider the actual figures behind the percentages put forward by the police. When one looked at the actual

number of incidents it was relatively low, especially compared with the number of students that lived in the area.

- That extending the hours would, in fact, assist in the orderly dispersal of customers since they would have more time in which to buy food and would not therefore all be queuing outside the premises at the same time. People would sometimes become angry and frustrated that the premises had closed, but would stay on the street regardless. Opening later would allow them to accommodate these people and they would go home happily and quietly.
- That the problems that did admittedly exist in Upper Bangor could not be attributed solely to this premises. By taking into account the nature of the area, such problems were inevitable, but by approving the application, it would not lead to an increase and would in fact help the situation.

The applicant and his solicitor, the representatives of the Police, the Licensing Manager, the local members 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:

- Prevention of Crime and Disorder – the sub-committee was very concerned regarding the high number of calls to police in the vicinity of the premises, especially those that occurred in the early hours of the morning. These problems would increase should the premises be allowed to open later, due to the presence of those who had been drinking for a long period.
- Public Safety – no evidence had been submitted relating to public safety.
- Prevention of Public Nuisance – that problems existed in the area was not disputed. The sub-committee believed that allowing the premises to open later would push the problem further into the early hours and consequently cause more disturbance to residents. It had to consider that what could be acceptable earlier in the evening would have a greater impact on residents later on so as to then become unacceptable. Therefore the objective of preventing public nuisance would not be promoted by extending the licence.
- Protection of Children from Harm - no evidence had been presented regarding this objective.

**RESOLVED to refuse the application of Bella Takeaway to vary the existing licence for the reasons stated above.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

The solicitor requested, on behalf of the applicant, for the subsequent two applications to be adjourned since one of the local members had stated during the hearing of the previous case that Bangor City Council had objected to the applications. However, Bangor City Council's observations had not been put before the sub-committee as they had been too late. The sub-committee withdrew to consider this as a preliminary point and decided that it could consider the application. The statement would be discounted and would not be taken into consideration by the sub-committee (and had not been mentioned in discussions on the previous application). Stating that Bangor City Council had objected carried no weight as no mention had been made of reasons for the objection or to any of the licensing objectives.

## **2. APPLICATION TO VARY THE PREMISES LICENCE OF UNIVERSITY PLAICE, 21 HOLYHEAD ROAD, BANGOR**

**Representing University Plaice:** Mr Mehmet Ali Usal (Applicant) and Mr R.A. Jones (Solicitor)

**Representing the objectors:** As noted in application no.1 above.

Submitted – the report of the Licensing Manager giving details of the application submitted by University Plaice, 21 Holyhead Road, Bangor, to vary the premises licence to permit the sale of hot food from 23:00 until 03:00 Sunday to Thursday, and from 23:00 until 03:30 on Friday and Saturday, with the premises closing fifteen minutes later. In line with the current licence, the premises was entitled to sell hot food until 02:30 and close at 02:45 every day of the week.

It was reported that, following the appropriate consultation period, observations had been received from the Police, an e-mail from one of the local members and letters from numerous neighbouring residents, each stating their objection to the extended hours. The observations of the Fire and Rescue Service had been received but they had no objection to the application. The Council's Trading Standards Department had no observations to offer on the application. Bangor City Council's observations had been too late.

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

- i Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager
- ii The Applicant was invited to expand on the application.
- iii Consultees were given an opportunity to support their observations.
- iv The licensee, or his representative, was invited to respond to the observations.
- v Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii The Applicant or his representative were given an opportunity to summarise their case.

The consultees were invited to support any observations submitted by letter and Sergeant Bill Coppack reported that the police had serious concerns with regards to the extended hours. He noted that takeaway establishments in Upper Bangor were currently closing earlier than the majority of licensed premises in the area. Allowing these establishments to remain open after other licensed premises, would in their view, lead to an increase in crime and disorder problems caused to residents. By granting the extended hours, customers would have been drinking alcohol for a longer period of time and that would lead to the possibility of alcohol related crime and disorder. He submitted statistics to the sub-committee outlining the calls received by the police in the period of twelve months up to the previous day. These related to two areas of Upper Bangor, namely Glanrafon Hill and part of the Holyhead Road area. He explained that in the area around Glanrafon Hill the police had been called out 296 times, and that 32.5% of those had been between 10:00pm and 4:00am. They had been called out ten times between 2:30am and 4:00am (i.e. the period that would be covered by the extension of hours) and that 1.9% of these had resulted in prosecution. This meant that 50% of all calls made after 2:30am resulted in prosecution, compared to 7.8% at other times. In respect of the second area, there had been 415 calls, with 6.5% after 2:30am and 2.9% had resulted in prosecution. This meant that the majority of prosecutions had arisen from instances between 2:30am and 4:00am. This was the period when the police were most likely to find disorder due to the length of time that

people had been drinking. The police believed that the people responsible for disorder would be attracted to the premises after 2:30am.

All the objectors present took advantage of the opportunity to endorse the observations noted in letters and specifically referred to the following points -

- That approving this application would affect the amenities of the local residents especially the elderly who lived in flats opposite the premises. It was noted that many local residents as well as students were being disturbed by people leaving pubs and clubs, and who proceeded to buy food at takeaway establishments. Should the extended hours be granted, residents would be kept awake until 4:00am or later. Many residents had to get up early to go to work, take their children to school or to attend lectures at the University.
- That it would create more noise, litter and general anti-social behaviour to the detriment of the quality of life of local residents and would create further problems for the police.
- That approving this application would contribute to the problems that already existed such as vomiting, food being disposed of on the street and glasses being broken on the street.

In support of the application and in response to some of the above observations, a solicitor on behalf of the applicant informed the sub-committee -

- That whilst problems did exist in Upper Bangor, it was important to consider the actual figures behind the percentages put forward by the police. When one looked at the actual number of incidents it was relatively low, especially compared with the number of students that lived in the area.
- That extending the hours would, in fact, assist in the orderly dispersal of customers since they would have more time in which to buy food and would not therefore all be queuing outside the premises at the same time. People would sometimes become angry and frustrated that the premises had closed, but would stay on the street regardless. Opening later would allow them to accommodate these people and they would go home happily and quietly.
- That the problems that did admittedly exist in Upper Bangor could not be attributed solely to this premises. By taking into account the nature of the area, such problems were inevitable, but by approving the application, it would not lead to an increase and would in fact help the situation.

The applicant and his solicitor, representatives of the Police, the Licensing Manager, the local members 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:

- Prevention of Crime and Disorder – the sub-committee was very concerned regarding the high number of calls to police in the vicinity of the premises, especially those that occurred in the early hours of the morning. These problems would increase should the premises be allowed to open later, due to the presence of those who had been drinking for a long period.
- Public Safety – no evidence had been submitted relating to public safety.
- Prevention of Public Nuisance – that problems existed in the area was not disputed. The sub-committee believed that allowing the premises to open later would push the problem further into the early hours and consequently cause more disturbance to residents. It had to consider that what could be acceptable earlier in the evening would have a greater impact on residents later on so as to then become unacceptable. Therefore the objective of preventing public nuisance would not be promoted by extending the licence.
- Protection of Children from Harm - no evidence had been submitted under this heading.

**RESOLVED to refuse the application of University Plaice to vary the existing licence for the reasons stated above**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

**3. APPLICATION TO VARY THE PREMISES LICENCE OF PIZZA HOUSE, 53 HOLYHEAD ROAD, BANGOR**

**Representing Pizza House:** Mr Gholam H. Namaghi, Mrs Sarah L. Namaghi (Applicants) and Mr R.A. Jones (Solicitor)

**Representing the objectors:** As noted in application no.1 above.

Submitted – the report of the Licensing Manager giving details of the application submitted by Pizza House, 53 Holyhead Road, Bangor, to vary the premises licence to permit the sale of hot food from 23:00 until 03:00 Sunday to Thursday, and from 23:00 until 03:30 on Friday and Saturday, with the premises closing fifteen minutes later. In line with the current licence, the premises was entitled to sell hot food until 02:00 and close at 02:15 every day of the week.

It was reported that, following the appropriate consultation period, observations had been received from the Police, an e-mail from one of the local members and letters from numerous neighbouring residents, each stating their objection to the extended hours. The Fire and Rescue Service had no observations to offer on the application. Bangor City Council's observations had been too late.

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

- i Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager
- ii The Applicant was invited to expand on the application;
- iii Consultees were given an opportunity to support their observations.
- iv The licensee, or his representative, was invited to respond to the observations.
- v Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii The Applicant or his representative were given an opportunity to summarise their case.

Acting for the applicants, their solicitor stated, that in view of the sub-committee's decision on the previous two applications, his client wished the sub-committee to consider his application as being open until 2:30 for the sale of refreshment, with the premises closing at 2:45 every day of the week.

The Police's representative stated that he had no objection to the application to extend the hours to 2:30, and the premises to be open until 2:45, since it would bring it in line with the

other two premises that the sub-committee had considered. The local member noted that she had no objection to the applicants' amended application. However, one of the representatives present at the meeting wished to withhold any observations on the amendment as he was representing the Upper Bangor Society, and the other members of that society were unaware of this amendment. The other objectors present at the meeting remained opposed to the application.

The applicants and their solicitor, representatives of the Police, the Licensing Manager, the local members 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:

- Prevention of Crime and Disorder – the Police had no objection to the extension of hours applied for. It would bring the opening hours in line with those of other takeaway premises in Upper Bangor. Extending the hours would not lead to an increase in crime and disorder cases.
- Public Safety – no relevant evidence had been submitted relating to public safety.
- Prevention of Public Nuisance – that problems existed in the area was not disputed. The Sub-committee however noted that other premises were already open until the hours applied for, and did not believe that granting the extended hours would lead to a significant increase in the problem of nuisance to the public.
- Protection of Children from Harm - no relevant evidence regarding this objective had been submitted.

In discussing the application, the sub-committee took into account the fact that the hours now applied for by the applicant were an hour less than what was first applied for. It was taken into consideration that objections had been withdrawn due to this amendment, but not all of them. In terms of the observations received and that those who had made the observations were absent from the hearing, the sub-committee came to a decision on the assumption that the objection remained and had not been withdrawn.

**RESOLVED to vary the premises licence of Pizza House as follows -**

**a) Late night refreshment (para. L) - 23.00 to 02.30 Monday to Sunday.**

**b) Hours premises are open to the public (para. O) – 23:00 to 02:45 Monday to Sunday.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

#### **4. 1. APPLICATION TO VARY THE PREMISES LICENCE OF BERAN FILLING STATION, DEINIOLLEN**

**Representing Beran Filling Station:** Mr M. Shuker (Applicant) and Mr Mike Williams (representing the applicant)

**Representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales Police)

**Representing the North Wales Fire and Rescue Service:** Mr David Greene

**Representing the objectors – Llanddeiniolen Community Council:** Councillor P.G. Larsen

Submitted - the report of the Licensing Manager, providing details of the application submitted by Beran Filling Station, Deiniolenn to vary the premises licence to permit the sale of alcohol for 24 hours per day namely from 00.00 until 00.00. In line with the current licence, the premises was entitled to sell alcohol between 07.00 and 21.30 every day of the week.

It was reported that, following the appropriate consultation period, observations had been received from the Fire and Rescue Service and the Trading Standards Department. The Police did not object to the application provided that conditions would be placed on the licence. An objection to the application had been received from Llanddeiniolen Community Council .

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

- i Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager
- ii The Applicant was invited to expand on the application;
- iii Consultees were given an opportunity to support their observations.
- iv The licensee, or his representative, was invited to respond to the observations.
- v Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- vi Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii The Applicant or his representative were given an opportunity to summarise their case.

The consultees were invited to support any observations submitted by letter and Ian Williams, the Licensing Co-ordinator, reported that whilst the Police had concerns about a 24 hour licence, they had no evidence on the basis of which to object to the application. However, following a meeting with the applicant, it was agreed that the following conditions would be placed on the licence if granted -

- a) The doors of the premises to be closed to the public after 23.00 and alcohol to be served only through a hatch thereafter.
- b) A personal licence holder would be on the premises at all times when alcohol is to be sold.
- c) CCTV would be installed to cover the premises both internally and externally, with one camera specifically on the hatch area. CCTV footage to be retained for 31 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply with the request at the time, then the relevant footage to be taken to the nearest office of that authority as soon as practicable, and in any case within 48 hours. He confirmed that a personal licence holder would be on the premises at all times, and therefore the applicant would have to ensure that appropriately trained staff were available.

David Greene from North Wales Fire and Rescue Service reported that, following an audit on the fire safety arrangements at the premises on 24 May 2010, major deficiencies had been identified and the applicant had been requested to undertake work to remedy those deficiencies. He had assumed that the applicant would comply with the request, however none of these points had been actioned when the premises had been inspected the previous day. These points had relevance to the licensing objective of Prevention of Public Nuisance because of the dangers caused to the safety of the public and of the staff working at the premises.

Llanddeiniolen Community Council was represented by Councillor P.G. Larsen and she confirmed that the Council was unanimously against the application on the basis that:-

- i) Prevention of Crime and Disorder – an extended licence would attract those who had already been drinking to buy drinks after the pubs had closed and possibly drive there late at night and



under the influence of alcohol. Likewise people would be attracted to walk there late at night as well. Generally, she was of the opinion that there had been an increase in anti-social behaviour since alcohol was allowed to be sold at the premises.

ii) Public Safety – there would be an increase in traffic along the road late at night if the licence was extended.

iii) Prevention of Public Nuisance – the two points above would be applicable to this heading. She also questioned the need for licensing hours to be longer than those of a pub.

iv) Protection of Children from Harm - the granting of a 24 hour licence would cause more damage and suffering to children and families than that already caused because of alcohol problems.

In support of the application and in response to some of the above observations, a representative on behalf of the applicant informed the sub-committee that -

- His wish was to provide a service for the public in the area.
- Some people worked night shifts and being able to buy a bottle of wine or spirits on their way home would help them to relax after work.
- They were allowed to sell everything else for 24 hours, so why not alcohol.
- People who were obviously drunk would not be served.
- Staff would obtain relevant training and that the works required by the Fire Service would be carried out before the premises opened for 24 hours to sell alcohol.

The applicant and his representative, representatives of the Police and the Fire and Rescue Service, the Licensing Officer and the local member left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving due consideration to the principles of the act, namely:

- Prevention of Crime and Disorder – the sub-committee took into account the fact that the Police had concerns, but had no evidence to formally object to the application. There was concern nonetheless that opening the premises for 24 hours would attract people on their way home after the pubs had closed. They believed that people would go there to purchase alcohol already having been out drinking and that the congregation of such people at the premises would cause problems.
- Public Safety – concerns had been raised by the Fire Service, but the sub-committee accepted that this was a matter for relevant Fire and Safety Legislation. There were however concerns at the dangers to customers of the garage of people under the influence of alcohol being present, especially in the presence of traffic.
- Prevention of Public Nuisance – members expressed concern that allowing the premises to open to sell alcohol until the early hours of the morning would attract those who had already been drinking, causing disturbance and nuisance to neighbouring residents.
- Protection of Children from Harm – there was no evidence regarding this objective and it was noted that the Police had confirmed that the premises had passed a test purchase.

**RESOLVED to grant the following variation of the premises licence-**

**a) To allow the supply of alcohol for consumption off the premises from 06.00 until 23.00.**

**b) A personal licence holder to be on the premises at all times when alcohol is being sold.**

**c) CCTV will cover the premises both internally and externally, with one camera specifically on the hatch area. CCTV footage to be retained for 31 days and to be handed to the Police, or any other relevant, responsible authority on request. If unable to comply then the relevant footage to be taken to the nearest office of that authority as soon as practicable, and in any case within 48 hours.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal

against the decision within 21 days of the date of that letter.

The meeting commenced at 10.30am and concluded at 2.10pm