
CENTRAL LICENSING SUB-COMMITTEE, 07.10.10

Present: Councillor Eryl Jones-Williams (Chairman);
Councillors Ieuan Roberts and Gwilym O. Williams.

Also present: Sion Huws (Propriety Officer), Amllyn ab Iorwerth (Licensing Manager), Geraint B. Edwards (Solicitor), Ffion Muscroft (Environmental Health Officer) and Gwyn Parry Williams (Committee Officer).

Apologies: Councillors Peter Read, Gareth Roberts and the Police representative.

1. APPLICATION FOR A PREMISES LICENCE – ROBINSON BUILDING, DEINIOL ROAD, BANGOR

It was reported that the above application had been deferred at the request of the applicant because the Environmental Health Department had requested further details regarding the noise element.

RESOLVED to accept the information.

2. APPLICATION TO VARY PREMISES LICENCE – BASE, 342 HIGH STREET, BANGOR

Others invited to the meeting:

Representing BASE, 342 High Street, Bangor: Mr Marc Jones (Applicant).

Representing the objectors: Councillor Dewi Llewelyn (Bangor City Council) and Miss Jeni Hall.

Submitted – the report of the Licensing Manager, providing details of the application on behalf of Base, 342 High Street, Bangor, to vary the premises licence to permit live and recorded music, provision of facilities for dancing and the supply of alcohol between 11.00 and 02.00, with the premises closing at 02.30.

It was reported, following the appropriate consultation period, that the Police, the North Wales Fire and Rescue Service and the Environmental Health Department had no objection to the application with conditions. Bangor City Council objected to the application and letters had been received from some of the neighbouring residents objecting to the application.

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 was given an opportunity to summarise their case.

In support of the application, the applicant informed the committee that he had taken over the lease of the premises in July 2010 and he was unaware at that time of any complaints in the past regarding noise that emanated from the front and rear of the premises. After he had taken over, a complaint had been received regarding noise emanating from the front of the premises, mainly on Thursday evenings but by now, steps had been taken to ameliorate this and the individual who had submitted the complaint had retracted it. He referred to the conditions submitted by the sound engineer that had been sent to the Environmental Health Officer and he was willing to conform with these conditions along with any conditions suggested by the Council. He referred to one window in the ladies toilets that was constantly open but by now the window had been boarded up to prevent noise escaping from the building. He had also taken steps to restrict the noise of music within the premises and if required, he was willing to install a noise monitoring machine in the building. He felt that not all the noise emanated from his premises as there were other similar premises in the area with a licence until 02.00 or 02.30 and the noise could be emanating from those premises also. He noted that his application was for a licence from 11.00 until 02.30 every day of the week and he had no intention of opening the premises on Sundays. Acoustic sessions were held on Monday evenings and this event finished at midnight at the latest. Tuesday and Wednesday evenings were very popular nights with students when the premises opened until 02.00 but only at times when the colleges were open. He did not intend to open until 02.00 on Tuesday and Wednesday evenings during the summer when the colleges were closed.

The consultees were invited to support any observations submitted by letter and in the absence of the Police, it was reported that they had no evidence to object to the application. It was noted that noise problems in the premises had existed in the past but after the applicant had taken over the premises in July 2010, no complaints had been received. It was reported that the applicant agreed to accept conditions involving closed circuit television cameras and door supervisors.

The Environmental Health Officer informed the sub-committee that the department had received complaints over recent months from residents of the area about the noise of music emanating from the premises on Thursday and Saturday nights. Discussions had been held with the new manager regarding the concern about the increase in noise levels in the area and the manager confirmed that he had discussed measures that would be installed, in consultation with a sound engineer, in order to reduce any noise likely to affect houses to the rear of the premises. Should these steps be implemented, then the department had no objection to the application, provided that the relevant conditions were included in the licence.

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

- Doubting whether or not it would be possible to take appropriate steps to completely prevent noise from emanating from the premises.
- The noise of disco music could be heard because a window on the gable end of the premises was often left open.
- One of the objectors had had to install additional double glazing in her property in an attempt to prevent the noise being heard.

- Loud noise emanated from the loudspeakers in the premises that kept her awake late into the night.
- Opening the premises until 02.00 would have an effect on the amenities of residents of nearby houses, would create cases of crime and disorder and would encourage anti-social behaviour.
- Every single window in the premises should be boarded up to prevent noise from emanating from the building and noise monitoring equipment should be installed there also.
- All the necessary noise prevention work should be undertaken before approving the licence.

The applicant responded to the above-mentioned points by noting -

- a) He could install a purpose-built door in the premises to prevent noise escaping and he could ensure that it was permanently closed.
- b) He would do everything he could to try to overcome the noise problems.

The applicant, the Licensing Manager and objectors left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving appropriate attention to the principles of the act, namely:

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

RESOLVED to approve the variation to the licence of Base, 342 High Street, Bangor, as follows -

- a) Live music (paragraph E) – Mondays to Sundays – 11.00 to 02.00.
- b) Recorded music (paragraph F) – Mondays to Sundays – 11.00 to 02.00
- c) Providing facilities for dancing (paragraph J) – Mondays to Sundays – 11.00 to 02.00
- ch) Sale of alcohol (paragraph M) – Mondays to Sundays – 11.00 to 02.00
- d) The hours the premises are open to the public (paragraph O) – Mondays to Sundays 11.00 to 02.30
- dd) 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 individual will be employed at the premises from 20.00 hours onwards until the close of business every Friday and Saturday night and also on Bank Holiday Sundays.
- b) That the Designated Premises Supervisor will keep a recognised register by the Police and Local Authority of all door staff employed at the premises. The register will include details of the start and finish times of the work, the name and SIA licence number of the person employed (including the name of the company that employs them, if relevant). The register to be kept on the premises, on a permanent basis, for inspection by the Police or Local Authority on request. After completing the register, it will be kept at the premises for at least a year from the completion date, and for the duration of that period, it will be available for inspection by the Police or Local Authority.
- c) Digital CCTV coverage to monitor all areas open to the public including all entrances/exits (excluding inside the toilets). 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 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.
- e) To impose the following conditions outlined by the Environmental Health Officer -
 - (A) Noise
 - i) The internal LAeq 15min sound level and the LAeq 15min sound level for the 31.5, 63

and 125Hz frequency third octave band frequencies shall not be increased within nearby residential properties (measured with windows at the dwelling open or closed) as a result of entertainment noise emitted from the licensed premises. For the purpose of this condition, LAeq is as defined in BS4142:1997.

ii) To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during the entertainment.

iii) Should Gwynedd Council obtain evidence following the publication of this licence that noise condition 1 is not being adhered to, the premises owner shall carry out the following -

- Carry out necessary noise insulation / abatement works to ensure that the noise condition is achieved; and / or
- Install a noise control device in the room(s) where entertainment is held. The device will be established so as to cut the electricity supply of any amplification system or to withstand an increase in the noise level above what has been established as the permitted maximum (see (iv) below).

iv) Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Pollution Environmental Health Officer, Gwynedd Council.

v) The lobby doors at the premises shall be kept closed except for access and egress. Door staff shall supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.

vi) The disposal of waste bottles and cans into containers outside of the building subject to the licence is prohibited between 22.00 – 08.00. Empty bottles shall be stored in a lidded skip / bin within the curtilage of the premises.

vii) Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.

viii) It is the duty of the premises' personal licence holder, the designated premises supervisor or the door supervisors to monitor the activity of individuals leaving the premises to smoke and to remind them of their public responsibilities where necessary.

(B) Lighting

i) Internal and external lighting provided for the purpose of customer and staff safety, and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.

ii) Lighting associated with any entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.

g) The steps described in the Sound Engineer's report sent to the Environmental Health Service to be adhered to in accordance with the guidance of that service.

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 FOR A PREMISES LICENCE – DOMINOS PIZZA, WILLIS HALL, 2 HIGH STREET, BANGOR

Representing Dominos Pizza, 2 High Street, Bangor: Miss Lisa Lee (Applicant) and Miss Fiona Hanslow (Manageress)

Representing the objectors: Councillor Dewi Llewelyn (Bangor City Council), Mrs Alice Yau, Mr Lop Chi Yau, Mrs Stephanie Jones.

Submitted – the report of the Licensing Manager, providing details of the application on behalf of Dominos Pizza, 2 High Street, Bangor, for a premises licence to permit the sale of hot food from 07.00 until 05.00 every day of the week and the premises closing to the public at 05.00.

It was reported, following the appropriate consultation period, that the North Wales Fire and Rescue Service or the Trading Standards Department had any objections to the application. The Police had no objection provided that the premises' opening hours to the public were restricted. Bangor City Council objected to the application and letters had been received from some of the neighbouring residents objecting to the application.

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 licensee, 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 licensee;
- v. The Applicant and licensee, or his representative, were given an opportunity to summarise their case.

In support of the application, the applicant informed the sub-committee that the company had strict rules that all their premises should conform with any conditions imposed by the licensing authority. She noted that the Police recommended that the hours requested should be reduced so that the premises closed to the public at 01.00 on Sundays to Thursdays and at 02.30 on Fridays and Saturdays and that refreshments after these times until 05.00 were to be home deliveries in response to telephone orders. As a company they had no objection to these times. A closed circuit television system had been installed in the premises that would be operational 24 hours of the day. She confirmed that alcohol would not be sold in the premises and they had no intention of doing so either. She noted that they had installed two refuse bins outside the premises and these were emptied by their own staff on a daily basis. Of the 64 premises run by the company, approximately ten of them opened until 05.00. In response to a question regarding complaints about parking, the applicant informed the sub-committee that this element had been resolved now.

The consultees were invited to support any observations submitted by letter and in the absence of the Police, it was reported that they had no objection to the application with the following conditions:

- a) Opening hours to the public to be restricted to between 07.00 and 1.00, Sundays to Thursdays and between 07.00 and 02.30, Fridays and Saturdays. This would mean that these premises' opening times would correspond with the majority of other premises selling late night refreshments in Bangor.
- b) That late night refreshments, after 01.00, Sundays to Thursdays and after 02.30, Fridays and Saturdays were in response to telephone orders as part of a delivery service only.

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

- If refreshments were permitted to be delivered until 5.00, this would add to the problem of people eating late at night on the streets and, therefore, was likely to have a detrimental effect on the amenities of nearby houses.
- Vehicles would be coming and going from the site late at night and would create noise and this was likely to create problems also.
- The danger of creating a precedent if the premises were permitted to sell refreshments in response to telephone orders after 01.00, Sundays to Thursdays and after 02.30 Fridays and Saturdays.
- Some restaurants in Bangor closed at 10.30 in the evening and it would be more reasonable for these premises to close at that time also.
- Rubbish being blown from outside the premises to gardens of nearby properties.

The applicant responded to some of the above-mentioned points by noting -

- a) She confirmed that the other similar establishments that they were running closed to the public at a specific time and they had strict rules regarding the sale of refreshments in response to telephone orders.
- b) That the premises was currently open until 11.00 and she was willing to accept the hours recommended by the Police as it would correspond to the opening hours of the majority of premises selling late night refreshments in Bangor.
- c) The staff employed at the premises had to adhere to strict rules.

The applicant, the Manageress of the premises, the Licensing Manager and objectors left the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving appropriate attention to the principles of the act, namely:

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

RESOLVED to approve the variation to the licence of Dominos Pizza, 2 High Street, Bangor, as follows -

- a) Late night refreshments (paragraph L) - 23.00 to 01.00 Sundays to Thursdays and 23.00 to 02.30 Fridays and Saturdays.**
- a) Opening hours to the public (paragraph O) - 07.00 to 1.00, Sundays to Thursdays and between 07.00 and 02.30, Fridays and Saturdays.**
- c) Not to permit the delivery of late night refreshments from the premises in response to telephone orders after 01.00 Sundays to Thursdays and after 02.30 Fridays and Saturdays.**

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 her of the right to appeal against the decision within 21 days of the date of that letter.

The meeting commenced at 2.00pm and concluded at 4.00pm.