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## CENTRAL LICENSING SUB-COMMITTEE, 23.07.12

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**Present:** Councillor W. Tudor Owen (Chairman)  
Councillors Ann Williams, Elfed Williams

**Also present:** Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Members' Support and Scrutiny Officer).

### **1. APPLICATION FOR A PREMISES LICENCE – ACADEMI, ROBINSONS BUILDING, DEINIOL ROAD, BANGOR**

#### **Others invited to the Meeting:**

**On behalf of Academi, Robinsons Building, Deiniol Road, Bangor:** Mrs Cheryl Wright (Applicant) and the Messrs Ashley James and Nick Dickinson

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

**Representing the objectors:** Mrs Arfona Davies and Ms Catherine Head

**Representing Bangor City Council:** Cllr. Keith Marshall

**Local Members:** Councillors June Marshall and Mair Rowlands

Before considering the application, the Licensing Manager noted that the application had been deferred in the sub-committee held on 23 April 2012 as it was found that the applicant had not contacted the Fire and Rescue Service or the Public Protection Service regarding the application. Following that meeting the applicant took the appropriate steps and by now the services' observations had come to hand.

Submitted – the report of the Licensing Manager giving details of an application on behalf of Academi, Robinsons Building, Deiniol Road, Bangor for a premises licence for an extension of the hours of licensable activities and the hours which the premises was open to the public. It was also intended to open on a Sunday. He noted that the licensable activities included the sale of alcohol, live music, recorded music, provision of late night refreshments as well as activities such as the showing of films and plays. The hours requested for the licensed activities were between 10.30 and 02.00 Monday to Thursday, between 10.30 and 03.00 Friday and Saturday and between 11.30 and 01.00 on Sunday with opening hours for the public between 10.30 and 02.30 Monday to Thursday, between 10.30 and 03.30 Friday and Saturday and between 10.30 and 01.30 on Sunday.

It was reported, following the appropriate consultation period, that the Police, the Fire and Rescue Service (with conditions) and the Public Protection Service (with conditions) did not object to the application. Observations had not been received from the Planning Service. Bangor City Council and the local members objected 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 solicitor on behalf of the applicant informed the sub-committee, that when the application for a licence was submitted under the previous licensing act, it was necessary at that time to note the number of people permitted in any establishment but by now the process had changed slightly. He agreed with the observations made by the Fire and Rescue Service that the number of people permitted inside the building should be restricted to no more than 700. He noted that this building had been operational for students for some time and the majority of students were of the opinion that the hours for the different licensed activities permitted should be extended. This, therefore, was the basis of this application and the flexibility to provide entertainment at appropriate times was needed. He did not anticipate that there would be a need to hold the different activities every day of the week – perhaps holding the activities four days a week would be sufficient. He confirmed that the provision provided in the building was of the highest standard. He acknowledged that there were behavioural problems on the street nearby, but that there was not enough evidence to prove that this was caused by Academi users. He noted that live music had not been played in the building as assurance was needed by the relevant authorities to show compliance with the level of noise etc. During the period since the building opened, a number of temporary events had been held in the building until 03.00 and no objection had been received. He drew attention to the fact that the police had no objection to the application and that other similar establishments in Bangor had the same hours as those that were requested.

The consultees were invited to support any observations submitted by letter and Mr Ian Williams, Licensing Co-ordinator, North Wales Police, reported that the Police did not have evidence with which to object to the application with respect to the licensing objectives, as only five incidences which could be directly attributed to the premises had been recorded since it opened. He was pleased with the management of the premises and noted that there was good co-operation between the police and the applicant. He referred to the temporary events held at the premises until 03.00 and that no problems were created as a result.

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

- Some of the residents who originally objected to the application had left the area due to the problems caused by this premises.
- Extending the hours was likely to add to the anti-social behaviour in this area and therefore affect the amenities of the nearby residents.
- Noisy students leaving the premises late at night would likely cause public nuisance.
- Belongings were being stolen from some of the gardens of nearby houses late at night.
- The hours on the current licence should be adhered to.
- The latest time to gain access to the building should be restricted.

In response to some of the observations noted above, the solicitor on behalf of the applicant informed the sub-committee that the premises had strict rules and that drunken people were not permitted into the premises. He noted that the premises was well run and he did not see any

reason to restrict on the latest time to gain access into the building. He confirmed that it was intended to sell alcohol inside the building alone.

The relevant parties left the meeting and the application was discussed by the Sub-committee members, considering all evidence submitted and giving specific 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 a premises licence for Academi, Robinson Building, Deiniol Road, Bangor, as follows -**

**a) To allow Plays (paragraph A); Films (paragraph B); Live Music (paragraph E); Recorded Music (paragraph F); Performances of Dance (paragraph G); Anything of a similar description to that falling within paragraphs E, F, or G; Provision of facilities for playing music (paragraph I); Provision of facilities for dancing (paragraph J); Facilities for entertainment of a similar description to that falling within paragraphs I or J, Late night refreshments (paragraph L); Supply of alcohol (paragraph M) inside the building alone, as follows:**

- Monday to Thursday – between 10.30 and 02.00
- Friday and Saturday – between 10.30 and 03.00
- Sunday – between 11.30 and 01.00

**b) To permit the premises to be open to the public (paragraph O) as follows -**

- Monday to Thursday – between 10.30 and 02.30
- Friday and Saturday – between 10.30 and 03.30
- Sunday – between 10.30 and 01.30

**c) That the steps described in paragraph P of the application are to be included as conditions of the licence.**

The Solicitor reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of receiving that letter.

## **2. APPLICATION TO REVIEW A PREMISES LICENCE – CAERNARFON BURGER & KEBAB HOUSE, 19 BRIDGE STREET, CAERNARFON**

### **Others invited to the Meeting:**

**Applicant:** Sergeant Bill Coppack (North Wales Police)

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

**Representing Caernarfon Burger & Kebab House:** Mr Mustapha Sari (Licence holder) and Mr I. Sari

Submitted – the report of the Licensing Manager providing details of the application from North Wales Police to review the licence of Caernarfon Burger & Kebab House, 19 Bridge Street, Caernarfon following a specific incident which highlighted that the CCTV arrangements, which were conditional on the premises licence were not sufficient for the purpose of securing compliance with the licensing objectives of the Licensing Act 2003. The Police requested that the current condition be removed from the licence and replaced with an amended condition in relation to the use of CCTV at the premises. No observations had been received on the

application apart from the attached letter from a solicitor operating on behalf of the licence holder.

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.
  
- vii. The applicant and licensee, or his representative, were given an opportunity to summarise their case.

On behalf of the police, Sergeant Bill Coppack informed the committee that such establishments that were open late at night needed a digital CCTV system. He referred to an incident at the premises on 22 April 2012 when a young person was assaulted and injured. Following the incident the police visited the premises on 24 April 2012 when it was discovered that the CCTV installed at the premises recorded over itself every 12 hours and there was therefore no CCTV footage of the incident available. He was of the opinion that the current condition on the licence was not sufficient and that the current CCTV system was insufficient and requested that an amended condition be imposed in its place. The premises was visited recently and it was discovered that the digital CCTV system was operational and complied with what had been requested.

The licence holder stated that he accepted the recommendations made by the police and confirmed that the digital CCTV system was now operational on the premises.

As the relevant parties had already come to a decision on the application, the sub-committee had no objection to modify the conditions of the licence as noted below.

**RESOLVED to modify the conditions of the licence by adding the following conditions -**

- a) Digital CCTV system will be installed and working to the satisfaction of the Police and Local Authority, monitoring both the interior and exterior of the premises.**
- b) Lighting in the location must be of sufficient brightness and quality to identify persons within the building.**
- c) The CCTV system will record and retain colour images of all times when members of the public are on the premises, for a minimum of 31 days.**
- ch) Images will be surrendered at the request of the police or local authority at the time the request is made and the premises will ensure they keep sufficient software available to comply with this condition. If unable to comply with a request under this condition the premises must understand they will be liable to have the premises licence reviewed.**
- d) There must be a minimum of one member of staff trained and available to download evidence at the request of the police or an authorised officer at all times the premises are open.**
- dd) CCTV warning signs shall be fitted and clearly displayed in public areas of the premises.**

**e) Recordings of incidents must be kept secure for inspection by the police.**

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

The meeting commenced at 11.00am and concluded at 2.15pm