
CENTRAL LICENSING SUB-COMMITTEE, 22.10.12

Present: Councillor W. Tudor Owen (Chairman)
Councillors Angela Russell, Elfed Williams

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

1. APPLICATION TO REVIEW PREMISES LICENCE – BELLA TAKEAWAY, 8 HOLYHEAD ROAD, BANGOR

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)

On behalf of Bella Takeaway, 8 Holyhead Road, Bangor: Mr Talal El-Arab (Licence Holder) and Mr Ahmad Kaugan (Manager)

The report of the Licensing Manager was submitted providing details of an application from North Wales Police to review the licence of Bella Takeaway, 8 Holyhead Road, Bangor as there had been specific incidents of failure to comply with the premises licence conditions between February and August 2012. The Police had witnessed that customers had been served refreshments later than the opening hours noted on the current licence on four occasions. This sub-committee had considered an application on 9 July 2010, by the licence holder to vary the premises licence to provide late night refreshments. Part of the rationale behind the application at the time was the difficulty of clearing the premises in time at the end of the licensed activities. The sub-committee agreed that the hours of the licensed activities had to be limited in accordance with the Police's recommendation, but with an extended period of 15 minutes between the end of the period of licensed activities and the closing time for the premises in order to facilitate the process of closing the shop. The Police were of the opinion that due to the evidence of several breaches of conditions in relation to licensed activities and opening times and this highlighted the confusion because of an additional 15 minutes permitted to close the premises. It was recommended that the hours for licensable activities and opening should be between 23.00 and 02.30 from Monday to Sunday. No observations had been received regarding the Police application but observations in writing had been received from the licence holder and also a telephone call had been received from Councillor June Marshall supporting the Police 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.

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On behalf of the Police, Sergeant Bill Coppack noted that the application before the sub-committee today followed an application for a variation that had been considered by the sub-committee in July 2010. At that time, the Police objected to the application and the objection was supported by the sub-committee. At that meeting, the licence holder had stated that it was difficult to close the shop and the sub-committee decided that the licensed activity should end at 02.30 thus allowing an additional 15 minutes for customers to leave the premises, that is, until 02.45. The officer referred to four occasions, namely 5 February, 10 March, 3 June and 4 August 2012 when it was discovered that the premises had been serving customers after the closing time and therefore it was in breach of the licence conditions. Following a discussion with the manager of the premises, it was found that the 15 minutes permitted for the premises to remain open but not to serve food, caused confusion. In view of this, the sub-committee was requested to vary the licence to permit the premises to open between 23.00 and 02.30 every day of the week, in line with the licence which they had to undertake licensable activities.

In response to the above, the licence holder noted the following observations -

- It was difficult at times to control customers in the premises and some of them did not wish to purchase food. At other times, there were too many people in the premises late at night waiting for food and this was the reason why the door could not be closed at 02.30.
- At times there were no customers in the premises when it closed at 02.30.
- At times, it appeared that the Police concentrated on his premises and he noted that the Police should address other similar premises in Bangor which were open until 03.00.
- He was willing to close the premises at 02.30 if other similar premises closed at the same time.
- He was trying his best to cooperate with the Police and these establishments in Bangor should have the same policy.
- They tried to switch off the lights at the premises at 02.30. He noted that there were no difficulties with customers and therefore there was no need to call the Police.
- Advice had been received from the Police not to submit an application for a time extension over freshers' week.
- He had received information from a Council officer that he had a right to sell food until 02.45 and this had caused him confusion.

In response to some of the above points, Sergeant Coppack informed the sub-committee that it would be possible to impose a condition enforcing the premises to employ door supervisors. He noted that this had been done in similar establishments and it worked but he was aware that this was an additional cost and he did not wish to place great pressure in this direction. In relation to the breach of condition which happened this year, the licence holder could have been prosecuted in court but this was not pursued but rather his attention had been drawn to the matter. With regard to the extension of time over freshers' week, he noted that he had informed the licence holder that the Police would object to any application. No such application had been approved in Upper Bangor during that week. Regarding the observation made about the sale of food until 02.45, he noted that the licence holder and manager of the premises should have known that this was not included in the licence which had been granted.

The Licensing Manager noted that she was unaware of any discussion that had been held between the licence holder and the Licensing Unit regarding the observation made about the sale of refreshments until 02.45.

The relevant parties left the meeting and the application was discussed by the members of the sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely:

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

RESOLVED

a) To approve the Police application to vary the licence to permit the premises to open between 23.00 and 02.30 every day of the week, in line with the licence which they have to undertake licensable activities.

b) To suggest to the licence holder to consider employing door supervisors

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 their right to appeal against the decision within 21 days of receiving that letter.

2. APPLICATION TO REVIEW THE PREMISES LICENCE - UNIVERSITY PLAICE, HOLYHEAD ROAD, BANGOR

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)

On behalf of University Plaice, Holyhead Road, Bangor: Mr Mehmet Ali Usal (Licence Holder)

The report of the Licensing Manager was submitted, providing details of an application from North Wales Police to review the licence of University Plaice, Holyhead Road, Bangor as there had been a specific incident of failure to comply with the premises licence conditions on Saturday, 4 August 2012. The Police had witnessed customers being served refreshments later than the opening hours noted on the current licence. This sub-committee had considered an application on 9 July 2010, by the licence holder to vary the licence of the premises to provide late night refreshments. Part of the rationale behind the application at the time was the difficulty of clearing the premises in time at the end of the licensed activities. The sub-committee agreed that the hours of the licensed activities had to be limited in accordance with the Police's recommendation, but with an extended period of 15 minutes between the end of the period of licensed activities and closing time for the premises in order to facilitate the process of closing the shop. The Police was of the opinion that the evidence of breach of conditions regarding the licensable activities and opening times highlighted the confusion due to the additional 15 minutes permitted to close the premises. It was recommended that the hours for licensable activities and opening should be between 23.00 and 02.30 from Monday to Sunday. Observations had been received at the request of the Police from the licence holder noting that he had no objection to the review in principle, provided that the same conditions were enforced consistently for other similar businesses in the locality.

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.

Sergeant Bill Coppack, on behalf of the Police, informed the sub-committee that the premises had a right to licensable activities until 02.30 and the premises were permitted to remain open until 02.45 in an attempt to assist in controlling the process of closing the shop but not for serving food. He referred to one occasion on 4 August 2012, when it had been discovered that the premises had been serving customers after the closing time, that is at 02.30 and therefore in breach of the licence conditions. This had been discussed with the licence holder and it was apparent that the licence conditions had caused confusion as he was under the impression that he had a right to operate legally until 02.45. In view of this, the sub-committee was requested to vary the licence to permit the premises to open between 23.00 and 02.30 every day of the week, in line with the licence which they had to undertake licensable activities. It is understood that the licence holder had no objection to the amended condition.

In response to the above, the licence holder acknowledged that the licence conditions had caused confusion and he noted the reasons for this. He noted that he did not object to the Police application provided that the same conditions were enforced consistently for similar businesses in the area.

The relevant parties left the meeting and the application was discussed by members of the sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely:

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

RESOLVED to approve the Police application to vary the licence to permit the premises to open between 23.00 and 02.30 every day of the week, in line with the licence which they have to undertake licensable activities.

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 their right to appeal against the decision within 21 days of receiving that letter.

3. 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, 19 Bridge Street, Caernarfon: Mr Mustapha Sari (Licence Holder), Ms Guler Sari and Mr Richard Williams (Solicitor)

The report of the Licensing Manager was submitted, providing details of the application by North Wales Police to review the licence of Caernarfon Burger & Kebab House, 19 Bridge Street, Caernarfon, because of a specific incident which had happened at 01.30, Sunday 5 August 2012, when there had been an altercation between two young men on the premises. The altercation had worsened to such an extent that both males were fighting and while the fighting was ongoing the premises was full of customers being served. He noted that it was a member of the public rather than the licence holder who informed the Police about the incident. The opinion of the Police was that the license holder had a duty to inform them of any violent incident; in accordance with the licensing objectives of crime and disorder prevention and public safety. The Police had witnessed that the premises was full of customers being served at 02.30, although the current licence noted that the premises were to close at 02.30. The Police had to use powers under Section 27 of the Violent Crime Reduction Act 2006 to quell the incident which had developed outside the shop, along with dealing with the incident inside the premises.

The officer noted that this sub-committee had considered another application on 23 July 2012 for a review of this licence by the Police. The application had been submitted at the time following a violent incident which happened on the premises on Sunday morning, 22 April, 2012. The licence holder had failed in his duty to inform the police of the incident at that time also. In the review hearing on 23 July 2012, the sub-committee decided to accept the Police's recommendation regarding amending the licence condition in relation to providing a better CCTV arrangement.

The police recommended that the licence conditions were to be reviewed as follows –

- a) To employ door supervisors registered with the Security Industry Authority at least on Friday and Saturday nights and also Sunday nights before a Bank Holiday.
- b) To amend the licence to ensure closing hours of 02:00 every night of the week.

Also, additional options are included for the consideration of the sub-committee in the application's appendix. The Police are not currently requesting the suspension of the licence, but they are inviting the sub-committee to consider this option if it is considered appropriate for the circumstances.

No observations had been received regarding the application but a letter had been received from the licence holder's solicitor objecting to the Police review.

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.

Sergeant Bill Coppack, on behalf of the Police, noted that the licence had been reviewed by the sub-committee in July 2012 because of a violent incident which had happened on the premises earlier this year. The sub-committee decided at that time that a better CCTV system should be installed at the premises and this system was operational prior to the meeting in July 2012. In relation to the incident on 5 August 2012, evidence was provided by means of a DVD of the two men fighting and the premises was full of customers being served whilst the fighting was going on. On this date also, it had been noticed that several customers had been served at 02.30, although the current licence noted that the premises were to close at 02.30.

In response to the above, the solicitor on behalf of the licence holder noted the following observations -

- The licence holder was sorry for the unfortunate incident but it was an argument between two people within the premises which had been shown on the DVD but other people had not been drawn into the incident.
- The licence holder was aware that a member of the public had informed the Police of the incident.
- The incident had not gone out of control and nobody had been arrested.
- It was unlikely for children to be at the premises at 01.35 when the incident happened.
- Over £2,000 had been spent on a new CCTV system since the last review in July 2012.
- The licence holder had now signed a contract to employ a door supervisor on Saturday nights and Sunday nights prior to Bank Holidays and any Friday, such as Good Friday between 23.00 and 02.30 and this would be operational from 28 October 2012.

Sergeant Coppack noted further that this incident would not have happened if there had been a door supervisor employed in the premises. The sub-committee were requested to amend the conditions of the licence by employing door staff registered with the Security Industry Authority at least on Friday and Saturday nights and also Sunday nights prior to Bank Holidays and to ensure a closing time of 02.00 every night of the week.

It was further noted by the solicitor acting for the licence holder that the incident at the premises took place at 01.35, and he was of the opinion that reducing the closing hours to 02.00 every night of the week would not resolve the situation.

The relevant parties left the meeting and the application was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely:

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

RESOLVED to partly approve the Police application and to amend the licence as follows

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- a) The premises will employ a door supervisor registered with the Security Industry Authority between 23.00 and 02.30 on Friday and Saturday nights and also any Sunday nights prior to Bank Holidays in order to ensure that the conditions of the premises licence are satisfied.**

b) The premises will keep a register on the premises provided by the Local Authority of all the door supervisors employed at the premises and this register will be available for inspection at the request of any Police Officer or representatives of North Wales Police or any authorised officer of the Local Authority.

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 their right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 10.30am and concluded at 1.15pm.

