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Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

PWYLLGOR TRWYDDEDU CANOLOG
CENTRAL LICENSING COMMITTEE

Dyddiad ac Amser / Date and Time

10:00yb DYDD LLUN, 8 RHAGFYR 2014
(AR DERFYN Y PWYLLGOR TRWYDDEDU CYFFREDINOL)

10:00am MONDAY, 8 DECEMBER 2014
(AT THE END OF THE GENERAL LICENSING COMMITTEE)

Lleoliad / Location

SIAMBR HYWEL DDA
SWYDDFEYDD Y CYNGOR / COUNCIL OFFICES
CAERNARFON

Pwynt Cyswllt / Contact Point

LOWRI HAF EVANS
(01286) 679 878

lowrihafevans@gwynedd.gov.uk

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PWYLLGOR TRWYDDEDU CANOLOG

CENTRAL LICENSING COMMITTEE

Aelodaeth/Membership (15)

Plaid Cymru (7)

Y Cynghorwyr/Councillors

Craig Ab Iago Eddie Dogan

Huw Edwards Annwen Hughes Chris Hughes

W. Tudor Owen Ann Williams

Annibynnol/Independent (4)

Y Cynghorwyr/Councillors

Eryl Jones-Williams Christopher O'Neal

Angela Russell Elfed Williams

Llais Gwynedd (3)

Y Cynghorwyr/Councillors

Llywarch Bowen Jones Dilwyn Lloyd

Peter Read

Aelod Unigol / Individual Member (1)

Louise Hughes

Aelod Ex-officio/Ex-officio Member

Is-gadeirydd y Cyngor/Vice-chairman of the Council

RHAGLEN

1. CROESO AC YMDDIHEURIADAU

Derbyn unrhyw ymddiheuriadau am absenoldeb.

2. DATGAN BUDDIANT PERSONOL

Derbyn unrhyw ddatgan o fuddiant personol.

3. MATERION BRYD

Nodi unrhyw eitemau sy'n fater brys ym marn y Cadeirydd fel y gellir eu hystyried.

4. COFNODION

Bydd y Cadeirydd yn cynnig y dylid llofnodi cofnodion cyfarfod diwethaf y pwyllgor hwn a gynhaliwyd ar 15 Medi 2014 fel rhai cywir.

(copi yma – papur **gwyn**)

5. COFNODION IS-BWYLLGOR TRWYDDEDU

Cyflwyno, er gwybodaeth, cofnodion cyfarfodydd o'r Is-bwyllgor Trwyddedu Canolog a gynhaliwyd ar y dyddiadau canlynol:-

(a) 03.09.2014

(b) 25.09.2014

(copi yma – papur **glas**)

CENTRAL LICENSING COMMITTEE, 15.09.14

Present: Councillor Eryl Jones-Williams (Chairman)
Councillor Huw Edwards (Vice-chairman)

Councillors Eddie Dogan, Annwen Hughes, Louise Hughes, Dilwyn Lloyd, W.Tudor Owen, Angela Russell, Ann Williams, Elfed W Williams

Also Present: Siôn Huws (Senior Solicitor), Sheryl Le Bon Jones (Licensing Manager) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1) WELCOME AND APOLOGIES

The Chairman, Councillor Eryl Jones-Williams, welcomed everyone to the Committee. Apologies were received from Councillors Llywarch Bowen Jones and Peter Read

2) DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3) URGENT ITEMS

None to note

4) MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee held on 23 June 2014 as a true record.

In terms of Members' attendance, it was noted that there had been an empty seat (Plaid Cymru) on the committee for several months and that the attendance of some other Members of the Committee was poor.

It was noted that committee membership was the Political Groups' responsibility and therefore it was suggested that the Members discussed the matter amongst their respective Political Groups. It was also suggested that the Chairman discussed the matter with the Chairman of the Democratic Services Committee and the Members Support Officer to refer the matter forward to the Head of Democratic Services.

5) MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

For information purposes the minutes of the meetings of the Central Licensing Sub-committee held on 9.7.2014, 14.7.2014 and 16.7.2014 were submitted.

6) PROPOSED FEES AND CHARGES 2014/15 – PUBLIC PROTECTION DEPARTMENT

The report was not presented as it was not relevant to the 2003 Licensing Act and 2005 Gambling Act.

7) CENTRAL LICENSING COMMITTEE AND GENERAL LICENSING COMMITTEE CHAIRMANSHIP

A report was presented by the Senior Solicitor detailing the Committee's dissatisfaction in the last meeting regarding the ability to elect one member as Chairman on both the Central Licensing Committee and the General Licensing Committee.

While setting the background, it was noted that the Central Licensing Committee had been established to deal with issues under the 2003 Licensing Act and the 2005 Gambling Act. It was a statutory requirement to establish this committee and it was not possible to consider any other issue.

As a result the General Committee was established to make decisions on other matters. Constitutionally they were two different committees that held separate meetings. Nevertheless, the Council had decided that both committees would include the same 15 members as noted in the Constitution.

As a general rule, it was noted in the Constitution that the same member could not be Chairman of more than one Committee. Under the current Constitution, it was necessary to appoint two different members to chair the committees.

Members of the Committee expressed, as was the case in the previous meeting (23.6.2014), that the same member should be allowed to chair both committees. This meant that it would be necessary to amend the Council's Constitution only for these Committees, by presenting recommendations to the Council's next meeting for approval.

IT WAS UNANIMOUSLY DECIDED TO RECOMMEND TO THE NEXT MEETING OF THE FULL COUNCIL, (9.10.14) TO APPROVE THE PROPOSAL TO AMEND THE COUNCIL'S CONSTITUTION (Part 4/Procedure Rules/10 Para 1,2 and 5) ONLY FOR BOTH LICENSING COMMITTEES.

The meeting commenced at 10:00am and concluded at 10:15am

CENTRAL LICENSING SUB-COMMITTEE 03.09.14

Present: Cllr Eryl Jones Williams, Cllr Annwen Hughes, Cllr Elfed Williams

Also present: Sion Huws (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing), Mr Ian Williams (North Wales Police), Ms Wendy Kay (North Wales Police) and Lowri H Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones Williams. The panel and the officers were introduced to everyone present

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

4. APPLICATION TO VARY A PREMISES LICENCE – UNIVERSITY PLAICE, 21 HOLYHEAD ROAD, UPPER BANGOR, GWYNEDD.

On behalf of the premises: Mr Mehemet Ali Usal and Miss Nia Haf Davies

Local Members: Councillors June Marshall, Mair Rowlands

Others in attendance: City of Bangor Councillor Keith Marshall, Mrs Arfona Davies (Member of Upper Bangor Society)

Apologies: City Councillor Rhys Taylor, City Councillor John Martin and Mr Keith Thomas (Fire and Rescue Service)

The report and recommendation of the Licensing Section.

Submitted - the Licensing Manager's report detailing an application to vary the premises licence of University Plaice, Upper Bangor, to extend the standard licensable hours. The premises are located among a line of businesses and shops in Upper Bangor and late night refreshments are provided to be consumed off the premises. In a previous hearing held on 30.9.13, the Sub-committee approved the extension of hours of late night refreshment provision from 2:30am to 3:30am on Friday and Saturday nights.

Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, objections to the application were received from the Local Members, Council and Individual Members of Bangor City Council, a neighbouring resident and North Wales Police, referring to the fact that:

- the premises had already been granted an extension to the hours of licensable activities
- a further extension would go beyond the licensing hours of similar licensed premises in Bangor.

Local Members objected on the grounds of the Licensing objectives of preventing public nuisance and preventing crime and disorder.

North Wales Police objected to the application as there was potential for the extension of hours on Sundays and during the week to undermine the licensing objectives of preventing crime and

disorder and public nuisance. It was noted that the Police would support an application for extended hours until 3:00am on Thursdays only; to correspond with the hours of similar licensed premises in Bangor.

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

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

Elaborating on the application, the applicant noted that consistency with similar businesses was needed. It was argued that a similar business provided hot refreshments outside licensing hours and that it was in the interest of fairness that he should also be open to serve food, thereby reducing the numbers of people congregating in one place. He added that the business was seasonal and that an additional half an hour would recoup the hours lost during the summer months.

In response to a question, he stated that he would be willing to employ a door supervisor for the additional hours to deal with any disorder on the premises. He added that there was already CCTV in the premises and that he was willing to cooperate with the Police.

In response to the application a Police representative noted that they did not support the application. In an effort to avoid crime and disorder in Bangor through good cooperation and granting equal agreements in licensing hours to similar business, approving the application for an extension in hours would set a precedent. Agreement had to be reached on an appropriate closing time. Five complaints had been received about the premises; four of which had been referred by Mr Usal himself. The Police were satisfied with the way in which the premises was being managed.

Under Section 9.4.182 (October 2013 amendment) of the Licensing Act 2003, the Police, as the Responsible Authority have the right to object on the grounds of the likelihood that approving the application would undermine the principles of crime and disorder - without the need for evidence.

In response to the application, the Local Members noted that they agreed with the Police's statement. There had to be fairness, but extending the hours would set a precedent. It was noted that Upper Bangor was a residential area, and that the amenities of neighbouring residents had to be considered.

In response to the observation, a neighbouring resident noted that the Local Authority had a responsibility to safeguard and protect communities.

In response to the application, a Bangor City Councillor noted that he agreed with the Police's recommendations and agreed to the extension of hours on Thursday nights only to 3:00am.

In summarising his application, the applicant noted that fairness was his main consideration, and the Licensing Section was asked to monitor others to ensure that they did not provide hot refreshments outside the licensing hours.

The Public Protection Manager added that the Licensing Section would investigate the allegations relating to the premises providing hot refreshments outside the licensing hours.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

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

The Sub-committee was of the view that the extended hours could not be approved on the grounds that another premises was providing hot refreshments outside its licensing hours. The additional half an hour on Thursday nights was approved in order to bring the licensing hours in line with those of other businesses. It was agreed that equity across the businesses prevented anti-social behaviour by the avoidance of a situation where people congregate in one place. The Police's view was accepted, and the reference to Section 9.4 182 of the Licensing Act 2003 was confirmed.

RESOLVED

TO REFUSE THE APPLICATION ON THE GROUNDS THAT ADDITIONAL HOURS CANNOT BE GRANTED DUE TO ANOTHER PREMISES PROVIDING HOT REFRESHMENTS OUTSIDE ITS LICENCED HOURS. THE ADDITIONAL HALF AN HOUR ON THURSDAYS (from 2:30am to 3:00am) WAS APPROVED IN ORDER TO ENSURE THAT THE LICENSED HOURS CORRESPOND TO OTHER BUSINESSES IN BANGOR.

Everyone was thanked for their contribution.

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

The meeting commenced at 2:00 and concluded at 2:50pm

CENTRAL LICENSING SUB-COMMITTEE 25.09.14

Present: Cllr Tudor Owen, Cllr Ann Williams, Cllr Elfed Williams

Also present: Sion Huws (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing)) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Tudor Owen. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

4. APPLICATION FOR A PREMISES LICENCE – FRESHWAY EXPRESS, 319, HIGH STREET, BANGOR, GWYNEDD.

On behalf of the premises: Mr Amhad Koujan, Mr Chris O'Neal (agent on behalf of the applicant)

Local Members: Not present

Others in attendance: Councillor Keith Marshall (Bangor City – Menai ward), Councillor June Marshall (Bangor City – Menai ward)

Apologies: None to note

The report and recommendation of the Licensing Section.

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for 319 High Street, Bangor. The premises was described as a 'Fast Food Takeaway' with the aim of providing late night refreshments, indoors and outdoors.

Details were given about the hours that the premises would be open to the public and the times that they would provide late night refreshments.

The panel were notified of the steps that the applicant intended to take to promote the four Licensing objectives -

- Install CCTV cameras inside the building
- Employ door supervisors on Friday, Saturday and bank holidays from midnight until closing time
- Dispose of any litter from outside the premises.
- Restrict access to children under 16 years of age from 11:30pm onwards unless they were accompanied by an adult.

The Fire and Rescue Service did not wish to offer any observations on the application. Observations were not received from North Wales Police or the Environmental Health Service. The Planning Service did not object to the application.

Following an appropriate consultation period, an objection to the application had been received from Bangor City Council. Their concerns involved the increase in noise and disturbance, the increase in disposing of litter and the level of crime and disorder and anti-social behaviour that a late-night refreshment premises would have on the area. It was noted that Bangor City Council were of the opinion that the saturation point had been reached in this area of Bangor, and in accordance with the Gwynedd Council Licensing Policy document, a 'Saturation Policy' should be adopted for this part of Bangor.

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

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

A member of the Sub-committee asked the Licensing Manager how many fast food shops there were on Bangor High Street and what were their opening and closing times?

In response to the question, the Licensing Manager noted that there were 8 premises on the High Street that provided fast food, and that the application did not request later hours than similar premises.

An observation was made that neighbouring residents had not commented on the application, and the Licensing Manager was questioned whether the application had been advertised clearly. It was confirmed that in accordance with statutory arrangements it was required to advertise an application for 28 days in the local paper. It was added that this application had been advertised in accordance with legislation. It was also added that the Council was advertising the application on its website.

A comment was made that no observations had been received from the Police. The Licensing Manager noted that the police would not have evidence for the premises as it was a new application with similar requirements to other businesses.

Everyone was reminded that they had 10 minutes to speak.

While expanding on the application, the agent on behalf of the applicant noted that the planning department had permitted a planning application for the site to operate as a 'hot food take away' premises; that the applicant had responded to the principles of the Licensing Act 2003 and that Gwynedd did not yet have a saturation policy. As well as this, he reported that the area was closely watched by the Police, the Street Angels and CCTV.

Mr Koujan was introduced as the manager of the site and he added that Mr Koujan also managed another premises in Upper Bangor.

Following a consultation period, no objections were received by the Fire Service.

It was emphasised that alcohol would not be sold in the shop.

In response to the application, a Bangor City Councillor who was present on behalf of the Bangor City Clerk noted that she agreed with the opinion that a saturation point had been reached in this area of Bangor, and that the Council should respond by adopting a saturation policy.

A request was made for the applicant's steps for promoting the Licensing principles listed in his application to be set as conditions.

The solicitor reported that it would be possible to include the conditions if the sub-committee decided to permit the application.

The Chair of the Sub-committee noted that it would be beneficial for the Licensing Committee to discuss a saturation policy.

By summarising his application the agent noted that the applicant was willing to accept the conditions.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

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

The Sub-committee' view was to permit the application, as there was no evidence that suggested that the premises undermined the principles of the Licensing Act.

RESOLVED

TO PERMIT A NEW LICENCE TO THE FRESHWAY EXPRESS, 319, HIGH STREET, BANGOR PREMISES, IN ACCORDANCE WITH THE RECOMMENDATIONS AND TO ADD THE STEPS LISTED BY THE APPLICANT (appendix M of the application) TO PROMOTE THE LICENSING OBJECTIVES AS CONDITIONS.

'Promoting the four licensing objectives

General

- ***We will liaise with the Police and Council to ensure we meet all licensing objectives.***
- ***CCTV will be produced if required***
- ***Door Supervisors will produce a full list of any incidents etc***

Prevention of Crime and Disorder

- ***The venue will be fitted with a CCTV system inside the shop. This system will be placed so all customers entering the shop will be recorded. CCTV will be recorded for 1 month.***
- ***Door supervisors will be deployed Friday and Saturday from 12:00 until close of business.***

Public Safety

- ***Door supervisors deployed Friday and Saturday nights and all Bank Holiday Sundays from 12:00am until close of business. All SIA licensed staff***

The prevention of public nuisance

- ***The venue will clear up all rubbish from outside the venue and signs will be placed on the venue asking people to place rubbish in the bin***

The protection of children from harm

- ***No person under the age of 16 will be permitted into the venue after 11:30pm unless accompanied by an adult'.***

Everyone was thanked for their contribution.

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

The meeting commenced at 10.00am and concluded at 10.45pm.