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## CENTRAL LICENSING SUB-COMMITTEE, 29.11.12

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillors Anwen Hughes and John Brynmor Hughes

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

### **1. APPLICATION TO REVIEW A PREMISES LICENCE – CELL B, PARK SQUARE, BLAENAU FFESTINIOG**

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

**Applicant:** Mr Ian Rogers (Applicant) and Ms Dawn Parry

**Representing the Police:** Officer Dylan Jones

**Representing Cell B, Park Square, Blaenau Ffestiniog:** Mr Rhys Roberts (Licence holder) and Mark Williams

**Local Member:** Councillor Mandy Williams-Davies and Councillor Paul Thomas (Member of an adjoining ward)

**Apology:** Councillor Llywarch Bowen Jones

Submitted – the report of the Licensing Manager giving details of an application by Mr Ian Rogers, Park Villa, Park Square, Blaenau Ffestiniog to review the premises licence of Cell B, Park Square, Blaenau Ffestiniog because of antisocial behaviour and noise late at night emanating from licensed activities held at the premises. The applicant also referred to incidents where he had witnessed non-compliance with the conditions of the licence, namely –

- a) Customers permitted to leave the premises with alcoholic drinks.
- b) Customers who were obviously inebriated granted access to the premises.
- c) Permitting customers to consume alcohol so that they were sufficiently inebriated to cause harm to themselves and others.

The applicant requested the premises licence be reviewed in relation to the following recommendations –

- i) To remove the right to sell alcohol from the licence.
- ii) To consider the application to order that a new Designated Premises Supervisor (DPS) be appointed in relation to the licence.
- iii) To reduce the permitted opening hours for the premises from 00.00 to 21.00.

It was reported that, following the appropriate consultation period, no observations had been received from Blaenau Ffestiniog Town Council, the Fire and Rescue Service, the Council's Planning Service or the Public Protection Service – Environmental Health. The local member (adjoining ward) and a number of residents objected to the review as there was no evidence that activities at the nearby premises and management of the premises undermined the licensing objectives. Reference was also made to the contribution of the premises' activities to local culture and prosperity of businesses; however, these considerations were not relevant to the objectives of the Licensing Act 2003. The police confirmed that it had received calls from the applicant. Confirmation was also received that the police had issued a penalty notice to two

females following an incident of antisocial behaviour. The police had not received any other calls from residents of Park Square in relation to the premises.

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 invited 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.

The local member reported that she objected to the review and supported the licensee, since Cell B contributed significantly to the town's social life. She noted that the licensee was willing to collaborate with everyone, and had offered to move the smoking area from the front of the building to the rear, which would perhaps be a means of resolving complaints. As a local member she had not received any complaints about the situation, and she was very keen for both sides to be able to collaborate.

The applicant was of the opinion that moving the smoking area to the rear of the building would still cause problems up the road, and would cause nuisance to the residents there. He noted that the behaviour of some of the people who used the smoking area caused him concern. He referred to drunken customers coming out of the building, inappropriate language, people vomiting and urinating on the street, noise, and the impact of this on his family. He referred to several DVDs he had taken which gave evidence of the different incidents, and he was keen for the sub-committee to view them. He noted that it was not his wish to see the premises being shut down.

The Licensing Enforcement Officer noted that he had given advice to the applicant with regard to submitting the application for a review. He had shown him some of the DVDs and he was of the opinion that it was important that the sub-committee saw the evidence on them. In response, the solicitor advised that it was a matter for the sub-committee to decide whether it needed to see the DVDs or not. He noted, under the relevant act, that the applicant would have to be granted the right to show the DVDs. The applicant confirmed that he had had confirmation from the Information Commissioner's office that he had the right to show the DVDs. The Council's Solicitor stated that further confirmation was required regarding the propriety of showing the evidence, since individuals may possibly be identified in the DVDs, and he was of the opinion that this evidence should not be considered.

In response to the above, the licensee noted the following observations –

- That a meeting had already been held with the various relevant bodies where it had been agreed to collaborate, but unfortunately after the meeting the applicant had put up signs against Cell B without contacting him as the licensee.
- That he was willing to work with the applicant to try and improve the situation.
- If the smoking area was moved to the rear of the building, this would perhaps require planning permission or permission under building regulations.
- Improved lighting could be installed at the front of the building, and more signs.

- That a condition on the licence prevented people from taking drinks out of the building after 19.00.

It was agreed to adjourn the meeting for a while in order to give the applicant and the licensee the opportunity to try and reach a compromise with regard to improving management of the premises.

Following the adjournment, the applicant confirmed that upon reaching a compromise with the licensee, he amended his application for a review, thereby amending the recommendations for changes to the licence as follows –

- a) That the premises provides sufficient signs requesting that customers be quiet.
- b) That the premises, subject to planning/building regulations permission, provide suitable lighting on the site.
- c) That security staff, when they are required to be present, make their best efforts to prevent customers from convening directly outside the main entrance.

The relevant parties left the meeting and the compromise agreed between the applicant and the licensee was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely –

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

**RESOLVED to approve the application to review as amended:**

**1. The following conditions were added to the licence –**

- a) That the premises provides sufficient signs requesting that customers be quiet.**
  - b) That the premises, subject to planning/building regulations permission, provide suitable lighting on the site.**
  - c) That security staff, when they are required to be present, make their best efforts to prevent customers from convening directly outside the main entrance.**
- 2. a) Suggest that the premises erects and keeps a shelf by the main entrance so that customers can place their drinks there as they go outside, and that use of the shelf is supervised.**
- b) Suggest to the licensee that the smoking area should be relocated to the rear of the building, but this was not imposed as a condition.**

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 VARY A PREMISES LICENCE – LAST INN, CHURCH STREET, BARMOUTH**

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

**Representing Last Inn, Church Street, Barmouth:** Mr Gregory Courtney (Licence holder), Mrs Debra Courtney and Mr Edward Fenlon

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

**Representing neighbouring residents:** Mr George Burns, Mrs Joy Burns, Mrs Wendy Ponsford, Mrs Ann Smith, Mrs Linda Smith

**Local Member:** Councillor Gethin G. Williams

Submitted – the report of the Licensing Manager giving details of an application on behalf of Last Inn, Church Street, Barmouth to vary the licence to permit extending the hours permitted for licensable activities on the premises, specifically in respect of live music, recorded music, dance performances and the sale of alcohol. He gave details of the current hours and the proposed hours. With the exception of New Year's Eve, a request was made for an extension to the right to supply alcohol from the end of the hours permitted on 31 December until the start of the hours permitted the following day. He noted that the application was submitted following advice received from the Licensing Enforcement Unit. A letter was also received from the applicant which outlined his reasons for submitting an application for extension of the hours.

It was reported that, following the appropriate consultation period, no observations had been received from Barmouth Town Council or from the Public Protection Service – Environmental Health. The Fire and Rescue Service had no objection to the application. An e-mail had been received from the Council's Licensing Enforcement Unit confirming that the officers had visited the premises because licensable activities were being held outside the hours permitted on the current licence. During the visit it was recorded that customers were present and licensable activities were still taking place at 00:50, contrary to the conditions of the current licence. Observations were also received from the Police, and letters from some of the neighbouring residents, supporting and objecting to the application.

It was further noted that 11 temporary events notices had been received from the licensee in order to hold licensable activities for an extra hour, every Tuesday and Saturday between 6 November and 11 December 2012. No objections had been received to these notices from the relevant authorities.

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 Licensing Enforcement Officer notified the Sub-committee that a complaint had been received that the applicant did not conform to the hours permitted on the current licence. On 29 September 2012 it was noted that customers were present on the premises and licensable activities were still taking place at 00:50, contrary to the conditions of the licence. The situation was discussed at the time with the applicant where it was decided that since they could not

work within the current hours, it would be more appropriate to submit an application to vary the licence.

The consultees were invited to support any observations submitted by letter and Ian Williams, Licensing Co-ordinator, North Wales Police, reported that the Police had no evidence to object to the application. He noted that the only calls received to date during 2012 in relation to the premises were from one of the owners of the premises, on three occasions between the end of October and the beginning of November 2012. Applications for Temporary Events Notices for the premises had also been received, to permit the sale of alcohol and regulated entertainment until 01.00, which was in accordance with the application for variation. To date, the premises had been granted additional hours under these notices on seven occasions, and no complaints had been received.

The licensee noted that the application was submitted in order to correspond with the hours permitted for other similar establishments in the town. He noted that the premises had been established as a public house for years, and that they had been running the business for 25 years without any difficulties. The business had grown over the years and 14 people were employed there. Attempts were made to reduce the level of noise coming from the building, and arrangements were in place to close the windows at 22.30 daily, especially during the summer season. People were not granted access to the premises after the closing time.

The local residents who were present took the opportunity to endorse the observations noted by letter and specifically referred to the following points –

- The residents who lived next door to the premises objected to the application because of the noise emanating from there late at night, which affected their health. On more than one occasion the owner had been asked to try and reduce the noise, but he had ignored the requests and the noise continued. He also referred to lorries parking outside the premises to unload, which also created noise. However, there was no objection to the current hours.
- Another resident lived behind the premises and supported the application. The resident noted that the pub was well managed and they could not hear noise from it.
- Another resident also supported the application as they were not aware of any problems deriving from the premises, and it was a boost to a tourist town like Barmouth.

The local member noted that he supported the application as it complied with the licensing objectives. The premises was well-run, and there was no evidence of antisocial behaviour. The premises was located in a commercial area of the town and near the harbour. The police had no objection to the application. Since other similar establishments were open until later, he was of the opinion that consistency was needed with the application.

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 –

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

**RESOLVED to approve the variation to the licence of Last Inn, Church Street, Barmouth as follows –**

**a) Permit live music under paragraph E as follows –**

- **Sunday to Thursday – between 11.00 and 00.00**
- **Friday and Saturday – between 11.00 and 01.00**

**b) Permit recorded music under paragraph F between 11.00 and 01.00, Monday to Sunday.**

- c) Permit dance performances under paragraph G between 11.00 and 01.00, Monday to Sunday.**
- ch) Permit the supply of alcohol under paragraph J between 11.00 and 01.00, Monday to Sunday with the exception of New Year's Eve, where it is permitted to supply alcohol from the end of the hours permitted on 31 December until the start of the hours permitted on the following day.**
- d) Permit the premises to be open to the public under paragraph L between 11.00 and 01.30, Monday to Sunday.**

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 FOR A PREMISES LICENCE – THE CROWN HOTEL, CHURCH STREET, BARMOUTH**

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

**Representing The Crown Hotel, Church Street, Barmouth:** Mr Abdul Jalil (Licence holder) and Mr Mohammad Jalil

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

**Local Member:** Councillor Gethin G. Williams

Submitted – the report of the Licensing Manager giving details of an application on behalf of The Crown Hotel, Church Street, Barmouth for a premises licence to permit the sale of alcohol on the premises between 17.00 and 23.00, seven days a week.

The application was consulted upon and one letter of response was received from the owner of a nearby business. Allegations were made in the letter of legal breaches in relation to other sites owned by the owner of the premises. The allegations made were relevant to the licensing objective of preventing crime and disorder. Following receipt of the letter, the UK Border Agency was consulted regarding the allegations made by the objector. An e-mail had been received from the agency and copies were distributed to the members of the sub-committee, which confirmed that the licensee had been issued a warning with regard to the allegations of employing people who did not have the right to reside/work in the UK.

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 response to the above, the licensee noted that foreign students had been employed by him at the premises in Porthmadog and Cricieth. He noted that he had had a personal licence for about 12 years. He confirmed that he would not employ illegal immigrants from now on.

The local member noted that he had no objection to the application.

The police had no observations on the application.

The objector was not present at the meeting to expand on his letter.

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 –

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

**RESOLVED to permit a premises licence for The Crown Hotel, Church Street, Barmouth as follows –**

- a) The sale of alcohol under paragraph M between 17.00 and 23.00, Monday to Sunday.**
- b) The premises to be open to the public under paragraph O between 17.00 and 23.30, Monday to Sunday.**

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.

#### **4. URGENT ITEM – TEMPORARY EVENTS NOTICES – STAR KEBAB, 323 HIGH STREET, BANGOR**

(The Chairman agreed, under Section 100B (4) (b) of the Local Government Act to include this item as an urgent item because of the need to act promptly.)

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

**Representing Star Kebab, 323 High Street, Bangor:** Mr Mhemet Kabadayi (Licence holder) and Mr David Farley (Solicitor)

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

Submitted – the report of the Licensing Manager, stating that 15 Temporary Events Notices had been received on 19 November 2012 in relation to Star Kebab, 323 High Street, Bangor. These notices requested the extension of the premises' opening hours for an hour later than what was permitted on the current licence, on 15 occasions, between Wednesday night and Saturday night, starting on 5 December until 29 December 2012. An extension until 03.00 was requested on Wednesdays and Thursdays, and until 03.30 on Fridays and Saturdays.

He referred to the police's observations on the notices to extend the trading hours on 5, 6, 7, 8, 12, 13, 14, 15, 18, 20, 21, 22, 24, 28 and 29 December 2012. The police had submitted an application in November 2011 to review the premises' licence as it did not conform to the licence conditions, and because there had been several incidents of disorder there. At a meeting of the Central Licensing Sub-committee on 12 January 2012, the police's application was approved, and the trading hours for the premises were cut by an hour daily. Additional

conditions were put on the licence regarding employing door supervisors who were registered with the Security Industry Authority from 23.00 until the premises closed on Thursday, Friday and Saturday nights and on the Sunday before any Monday bank holiday. A CCTV condition had also been put on the licence.

Following the Licensing Sub-committee's decision on 12 January 2012, the licensee had appealed against the decision, however, when he appeared before the Caernarfon Magistrates' Court on 28 August 2012 he withdrew the appeal which meant that the Licensing Sub-committee's original decision still stood and would come into effect immediately. During the appeal process, there were further incidents of disorder associated with the premises.

Following the appeal hearing, the premises should have been trading under the new operating hours. On two occasions the police had observed the premises trading outside its permitted hours, and the licensee was reported for undertaking licensable activities without authority, contrary to Section 136 of the Licensing Act 2003. He appeared before the Caernarfon Magistrates' Court on 19 November 2012 where he was discharged conditionally for 12 months and ordered to pay costs. On Friday and Saturday night, 16 and 17 of November 2012, it was noticed that the premises were operating after 23.00 without any door supervisors, contrary to the licence conditions. This showed complete disregard for the conditions set by the Licensing Authority.

The police objected to all of these notices, because granting the extension of hours would undermine the objective of preventing crime and disorder.

Sergeant Bill Coppack referred to the application to review the premises licence that had been considered by the Licensing Sub-committee on 12 January 2012. It was reported to that meeting on 16 offences that had been recorded by the police during 2010/11, which had occurred on, or were associated with the premises. He referred to an assault on 23 September 2011, when one of the customers had broken his nose during trading hours. With regard to this case, he noted that he had been part of the investigation and had realised at the time that officers had difficulties in obtaining CCTV evidence of offences that had occurred on the premises. On 12 January 2012 the sub-committee had been given the opportunity to see a DVD which showed people eating outside the building, leaving rubbish etc. after the closing time, 03.30. Of the 16 offences recorded, 11 were related to incidents of violence, and on each of those occasions the police had requested CCTV evidence, but the licensee had failed to provide this information. As a result, the sub-committee had decided to cut the opening hours by one hour, every night of the week. The sergeant gave details of another incident on 30 December 2011, where a young girl was attacked, but again in this case no CCTV evidence had been recorded. Following the decision of the sub-committee on 12 January 2012, the licensee had appealed against the decision. Whilst awaiting the date of the appeal, he gave details of another incident at 01.10 on 20 April 2012 associated with the premises, where it was noticed that no door supervisors were present. Later on the same night a person was seen urinating in the doorway to the premises. Since the applicant withdrew the appeal, the conditions agreed by the sub-committee on 12 January 2012 had come into force, which included employing a door supervisor. On 16 November 2012 it was noticed that the premises was open at 01.00 but no door supervisor was present. Furthermore on 23 and 24 November 2012 it was noticed that no door supervisor was present on the premises. It was obvious therefore that the licensee did not comply with the current licence conditions. The sergeant noted that the sub-committee at its meeting on 12 January 2012 had made the right decision to reduce the premises' opening hours. The dates requested in the Temporary Events Notices were key dates in the period leading up to Christmas and the New Year, and was a busy period for the police and the other emergency services. He noted that he had discussed the police's objections with the licensee's solicitor last week, when he had been invited to the premises to see the CCTV – he noted that the system worked and recorded in accordance with the conditions of the licence. In relation to keeping a register of all door supervisors employed to work on the premises, it was noticed that the last entry in the register had been on 18 November 2012 between 00.00 and 00.30, and that the entry prior to that had been on 22 September 2012, and previously on 18 August 2012. Since the licence had been amended to include a condition to employ door supervisors, there were periods therefore when the condition had not been complied with. In light of all the incidents referred to above, the sergeant was of



the opinion that approving the Temporary Events Notices and extending the hours was likely to add to the risk of crime and disorder. He added that should these notices be approved, it would be the only premises in Bangor open until 03.30.

In response to some of the above points, the licensee's solicitor noted that the police's observations were correct. He referred to a meeting of the Licensing Sub-committee on 12 January 2012 where all the conditions had been agreed to. He noted that some of the conditions included the premises installing and maintaining a digital CCTV system; employing a SIA-registered door supervisor and maintaining a register of all door supervisors employed to work at the premises. He was of the opinion that the licensee had complied with those conditions. Following a meeting of the sub-committee on 12 January 2012, an appeal had been submitted against the decision, and consequently the licensee was not obliged to execute the conditions of the licence until the appeal had been heard. He confirmed that a door supervisor had been employed on the premises, and that the licensee did not wish to have any trouble there. The conditions included on the current licence were sufficient to deal with any problems that were likely to occur in the premises. He referred to drunken individuals approaching the premises from the city's public houses and causing trouble, which caused concern for the licensee. If this were the premises that was open latest in the city, then it would have monopoly for the extra time. He referred to another similar premises in Bangor which traded until 03.15. The licensee required the additional hour because it was essential to the continuation of his business. Since the appeal had been withdrawn in August 2012, the licensee had tried to operate within the new licensed hours, but this had caused him to lose approximately half his income. At the times when the police had noticed that no door supervisor was present, those times had been quiet, and the licensee had decided to send them home. He noted that he was about six months behind with his rent and that the business was not viable at present. The licensee had been running the business for around 14 years, and at one time he had a licence to open for 24 hours. When he had taken the place over, the licence was in the name of his relative, and remained so for years, but in March 2012, the licence was transferred to his name. Due to this administrative error, the appeal was not heard. Although it had been requested to extend the hours until 03.30 on Friday and Saturday nights, opening until 03.15 would be acceptable by the licensee. It was recognised that this was a busy time of year, and the licensee wished to have this extension to the hours permanently. He was of the opinion that the Temporary Events Notices would be a means of improving the business. He noted that alcohol was not sold on the premises, therefore there were no incidents of drunkenness associated with these premises. The licensee complied with the condition regarding the digital CCTV system, and recorded every part of the premises which were open to the public. He noted that this was a family business which supported between three and six people. He asked the sub-committee to consider approving the notices which would be a means for the licensee to prove himself during the period requested.

In response, Sergeant Bill Coppack noted further that the licensee had not complied with several of the conditions on the licence. Although the premises did not sell alcohol, it had been observed on several occasions that drunken customers were served there.

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 –

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

Having considered all the evidence submitted, the members were of the opinion that since the conditions agreed by the sub-committee on 12 January 2012 did not come into force until after the appeal date in August 2012, the licensee should be given a further opportunity to comply with the conditions. It was felt that the police's case was not strong enough.

**RESOLVED to approve Temporary Events Notices for Star Kebab, 323 High Street, Bangor to extend the opening hours until 03.00 on Wednesday and Thursday nights, and until 03.15 on Friday and Saturday nights on the dates noted above.**

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 11.30am and concluded at 5.30pm.