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## CENTRAL LICENSING SUB-COMMITTEE, 08.03.13

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillors Annwen Hughes and Christopher O'Neal

**Also present:** Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Sheryl Le Bon Jones (Operational Systems Manager – Public Protection Service), Alwyn Thomas and Robert Taylor (Licensing Enforcement Officers) and Gwyn Parry Williams (Member Support and Scrutiny Officer).

### Retirement

The Chairman referred to the fact that Alwyn Thomas, Licensing Enforcement Officer, was retiring at the end of this month, and he wished him a happy retirement.

### **1. APPLICATION TO REVIEW A PREMISES LICENSE – ATRIUM ALFRESCO, 4 TEGID STREET, BALA**

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

**Applicant:** Ms Sheryl Le Bon Jones (Operational Systems Manager – Public Protection Service)

**Representing the Applicant:** Ms Gwenan Williams (Licensing Manager) and Messrs Alwyn Thomas and Robert Taylor (Licensing Enforcement Officers)

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

**Representing Atrium Alfresco, 4 Tegid Street, Bala:** Mr Maseoud Anafcheh (Licensee) and Ms Moira Mai.

**Representing the objectors:** Mr Paul Grainge and Mrs Wendy Grainge

**Apology:** Councillor Gethin G. Williams

Submitted - the report of the Operational Systems Manager – Public Protection Service on an application received by the Council's Enforcement Officer to review the premises licence of Atrium Alfresco, 4 Tegid Street, Bala. This application was made by the licensing authority acting as the responsible authority under the Licensing Act 2003 and it related to the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance. It was noted that the grounds for review were -

- a) Carrying on licensable activities at times not in accordance with their licence.
- b) Failing to comply with conditions set by the Central Licensing Sub-Committee.

The members' attention was drawn to the original premises licence following a hearing of the Central Licensing Sub-committee on 10 November 2011. During the hearing, the times for the licensable activities and opening hours of the premises had been determined and a condition was placed on the licence for a CCTV system to be installed inside and outside the premises. She noted that witness statements provided by the applicant had stated that as a result of responding to complaints regarding noise and anti social behaviour on Tegid Street, it was found that the premises had been carrying on licensable activities outside their permitted hours on two occasions. In addition, as a result of an inspection of the premises with the licensee, the

premises was found to be without a CCTV system and Part B of their premises licence had not been on display in accordance with the requirements of the Licensing Act 2003.

Observations on the review were received from the police and two neighbouring residents. The police confirmed that they had received a number of complaints by neighbouring residents regarding the behaviour of customers outside the premises and that it was open at 03.00 and 04.00. Both residents had also complained about the noise and crime and disorder in Tegid Street during the early hours of the morning and requested that the supply of alcohol hours at this premises be reduced along with other similar establishments in the town.

She noted that the Licensing Enforcement Officer suggested reducing the hours for sales of late night refreshments and supply of alcohol in the premises to 00.00 and reducing the opening hours to 00.15 every week day. Since submitting the application for a review it was understood that the premises had closed but the licence had not been surrendered and therefore the licence continued to be live.

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.

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The Licensing Enforcement Officer submitted a witness statement that referred to different incidents involving the premises. Reference was made specifically to the following matters-

- Information had been received by North Wales Police regarding a complaint in relation to the fact that the premises had been open until 02.00 and later, causing noise and disturbance for the street's residents. Their premises file was inspected, and it was noticed that the hours permitted were, the sale of hot food and alcoholic beverages until 01.00 and the public opening hours until 1.30 (clearing time).
- On 9 June 2012 at 01.00 it had been noticed that the lights had been switched off in the premises but that the "Open" sign outside continued to be lit. Then at 01.40, namely after the closing time, a young person had entered the shop and had come out carrying a pizza in a box.
- On 21 June 2012, at 01.00 it had been noticed that the premises' lights and signs had been switched off and no customers had entered the shop.
- On 28 July 2012, at 01.00 it had been noticed that the premises' lights and signs continued to be on and at 01.30 a girl had entered the shop, and later left carrying a pizza in a box. At 01.40 two men had left the shop, again carrying a pizza box and at 01.50 the lights and signs were switched off. At 02.13, two other men left the shop carrying a pizza box.
- That the owner of Antium Alfreco also owned Y Cwrt next door and at 02.25 on 28 July 2012 a member of staff had been seen standing in the doorway of Y Cwrt holding two pizza boxes.

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

- Problems had occurred with noise outside the premises that had an impact on their amenities, but since the premises had closed, this problem had stopped but there was still noise outside the Cwrt building.
- There was a problem in controlling customers on the street.
- Rubbish and broken bottles were left on the street and on the window sills of the houses.

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

- The business had been closed down at the end of November 2012 and the premises was now for sale.
- He did not accept that the noise in Tegid Street stemmed from his shop as there were other licensable premises in the town.
- He acknowledged that he did not comply with the licence conditions, and after receiving a reprimand for this he had stopped selling food late at night and as a result of this the noise and disorder had reduced on the street.

Mr Ian Williams, the Police Licensing Co-ordinator noted that no complaints had been received since the premises had closed.

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

In light of the evidence submitted, the members agreed with the review. In relation to the CCTV there was a current breach of condition and may be subject to a further review or criminal proceedings. There was also a need to ask the licensee to surrender his licence.

**RESOLVED to partly approve the application to review as follows:**

**1. To amend the premises licence as follows-**

- a) Provision of late night refreshments between 23.00 and 00.00, Sunday to Saturday**
- b) Supply of alcohol on the premises between 12.00 and 00.00, Sunday to Saturday**
- c) Opening hours of the premises between 12.00 and 00.15, Sunday to Saturday**

**2. Not to make amendments to the licence in relation to the CCTV system as there is a current breach of conditions which may be subject to further review or criminal proceedings.**

**3. To invite the licensee to surrender the licence as the premises is now closed.**

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 A PREMISES LICENCE – Y CWRT, 62 HIGH STREET, BALA**

**Others invited to the Meeting:**

**Applicant:** Ms Sheryl Le Bon Jones (Operational Systems Manager – Public Protection Service)

**Representing the Applicant:** Ms Gwenan Williams (Licensing Manager) and Messrs Alwyn Thomas and Robert Taylor (Licensing Enforcement Officers)

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

**Representing Y Cwrt, 62 High Street, Bala:** Mr Maseoud Anafcheh (Licensee) and Ms Moira Mai.

**Representing the objectors:** Mr Paul Grainge and Mrs Wendy Grainge

**Apology:** Councillor Gethin G. Williams

Submitted - the report of the Operational Systems Manager – Public Protection Service on an application received by the Council's Enforcement Officer to review the premises licence of Y Cwrt, 62 Tegid Street, Bala. This application was made by the licensing authority acting as the responsible authority under the Licensing Act 2003 and it related to the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance. She noted the reason for the review was that it was found that the premises was providing late night refreshments without a licence.

It was noted that the witness statements of the Licensing Enforcement Officers stated that in responding to complaints regarding noise and anti-social behaviour on Tegid Street it had been found that the premises was providing late night refreshments. The premises licence did not include the provision of late night refreshments.

Observations on the review were received by the police, local businesses and neighbouring residents. The police confirmed that they had received a number of complaints by neighbouring residents regarding the behaviour of customers and that people were leaving the premises after 04.00. The businesses claimed that they were suffering as a result of the noise and crime and disorder that existed on the High Street as the customers of Y Cwrt left the premises during the early hours of the morning. In addition, the residents complained about the noise and crime and disorder in Tegid Street during the early hours of the morning because people were drunk and other establishments in the town were selling alcohol late at night and that there was a need to reduce the opening hours of the Cwrt and others.

It was noted that the Licensing Enforcement Officer suggested reducing the alcohol retail hours of the premises and its opening hours to 02.00 on a daily basis.

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

- i) The applicant was invited to expand on the application
- v) Members of the sub-committee were invited to ask questions of the applicant.
- vi) The licensee, or his representative, was invited to respond to the observations.
- vii) 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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The Licensing Enforcement Officer noted that it was noticed that customers were leaving the premises with hot food after 23.00 and that it was not part of the licence.

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

- There were problems with noise outside the premises and on the street that had an impact on their amenities especially between 01.00 and 04.00.

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

- He did not accept that the noise in the High Street stemmed from his shop as there were other licensable premises in the town.
- That reducing the hours would certainly have an impact on the business' future.
- They needed to open late in order to earn a living.

Mr Ian Williams, the Police Licensing Co-ordinator noted that following a meeting of the sub-committee in November 2012 a meeting had been held with the licensee at the premises in order to reach a compromise on the application. He had been offered until 02.00 to hold licensable activities with the premises to close at 02.30 but he had not been happy with these times and was keen to adhere to the current hours. Not many incidents had been noted by the police directly against the premises. Since November 2012 four phone calls had been received in connection with the premises – two phone calls from the premises itself and the other two from neighbouring residents. During the meeting with the licensee, it had been confirmed that not many incidents had taken place in the premises but that there were problems as customers left the premises. There was a need to ensure that customers left the premises quietly and to respect the needs of local residents. The need for door supervisors was also discussed as the licensee closed the doors of the premises relatively early in order to control those who entered and left the premises. The licensee was not happy with the suggestion to have door supervisors and the police did not request this as a condition. However, if the licensee managed the access into the premises, he needed to be registered with the SIA. The licensee added that he wished to monitor the situation for a period of six months and that the police were welcome to look at the premises' CCTV at any time in order to confirm whether or not the complaints were associated with the premises. Following a discussion with the Police Inspector, the police suggested that the premises should be permitted to hold licensable activities until 02.00 which complied with other similar premises in the town, with the premises to close to the public at 02.30. He noted that the licensee had demonstrated in the past, according to the evidence already received, that he could not adhere to the hours, consequently the police would be very concerned if this were to continue in the premises. He referred to the fact that the licensee was a person who helped the police, and had done so on many occasions in the past, and these recommendations were not personal matters against the licensee.

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

The members were of the opinion that the application for review should be refused as sufficient evidence had not been submitted to be able to reduce the hours and therefore the hours would remain the same. In addition, there was not enough evidence to prove that noise was emanating directly from the premises and there was no link between late night refreshments

and reducing the hours. There had been a breach of conditions because late night refreshments had been sold at the premises without consent and it could be the subject of a further review or criminal proceedings. In light of this, the licensee should be asked to submit an application to include the provision of late night refreshments as an addition to the licence. If he was going to control the access to the premises, he should be registered by the SIA.

**RESOLVED**

- a) To refuse the application for a review.**
- b) To suggest to the licensee that he should submit an application to include the provision of late night refreshments as an addition to the licence.**
- c) That the licensee should obtain a SIA certificate if he is going to control the access to the premises.**

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 11.00am and concluded at 1.30pm.