
CENTRAL LICENSING SUB-COMMITTEE, 28.11.13

Present: Cllr W. Tudor Owen, Cllr Gethin Glyn Williams, Cllr Chris Hughes

Also present: PS483 Bill Coppack (North Wales Police), Mr Ian Williams (North Wales Police Licensing Coordinator), Siôn Huws (Language and Compliance Manager), Gwenan M. Williams (Licensing Manager) and Lowri H. Evans (Member Support and Scrutiny Officer).

1. **WELCOME**

Everyone was welcomed to the meeting by the Chairman, Cllr W. 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 TO VARY THE PREMISES LICENCE – BELLA TAKEAWAY, 8 HOLYHEAD ROAD, BANGOR**

On behalf of the premises: Mr Talal El-Arab (Licence holder)

Local Members: Councillor Mair Rowlands

Others: Ms A G Davies (Neighbouring resident), Councillor John Martin (Bangor City Council)

Apologies: Gwynedd Councillor June Marshall, Bangor City Councillor, Keith Marshall, Bangor City Councillor Rhys Taylor.

Everyone was reminded of the procedure for the hearing and of the four principles of the Licensing Act 2003 which needed to be considered when determining the application.

It was noted that the application had already been discussed at a meeting on 23 October 2013. The Sub-committee had not been in a position to come to a decision on the application on the day and, therefore, a second hearing was arranged before the sub-committee with a different membership. The application had not been re-submitted – the information and observations remained the same as they had been on 23 October.

Submitted – the report of the Licensing Manager detailing the application of Bella Takeaway, 8 Holyhead Road, Bangor to vary the premises licence to permit an extension to the standard licensable activities hours to provide late night refreshment to be consumed off the premises. Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, observations and objections to the application had been received from Local Members, Individual Members and Bangor City Council members and neighbouring residents. Objections to the application were based on the licensing objective of preventing public nuisance because of the possibility of an increase in litter and noise on the street disturbing neighbouring residents. Concerns were also expressed that an extension to the

hours could lead to an increase in crime and disorder and could contribute to the disturbance which had been on the increase in Upper Bangor.

North Wales Police had no objection but it was recommended that conditions be imposed on the licence following agreement with the applicant in relation to CCTV and door supervisors. The Police's perspective was that it was appropriate for the licences of all premises selling late night refreshments in Bangor to be equal in terms of the hours of licensable activities, in order to promote the licensing objectives. It was also noted that the Police acknowledged that Upper Bangor was a residential area; and that the applicant had consequently agreed to only extend the hours on Thursday, Friday and Saturday evenings.

The Fire and Rescue Service did not object to the application.

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 licence holder.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

The applicant was given an opportunity to summarise his case. He informed the sub-committee that he agreed with the conditions that the Police had recommended. He noted also that the main reason for making the application was to compete with other businesses in the street which had already received an extension to their opening hours. Everyone deserved to be assured of fairness and justice.

The Police representative reported that there had only been three reported incidents regarding the premises since 2007. It was highlighted that door supervisors provided additional security assurance to the area and they had to remain on the premises for the final hour only as this was the busiest hour in terms of disturbance. It had to be assured also that a member of staff was familiar with the CCTV equipment.

The objectors present at the meeting took advantage to elaborate on their objection and they reiterated the observations that had been submitted by letter.

The following points were noted:

- The area was now 'home' to seven take-away outlets and five public houses – concern that this affected the quality of life of neighbouring residents and contributed towards public nuisance and antisocial behaviour which would be created in a residential area.
- Additional hours contributing to more noise and litter. Glanrafon Hill was associated in the past with litter and public nuisance.
- Customers moving away from the premises and subsequently congregating and creating noise and antisocial behaviour in residential areas.
- Public Protection was one of the features of the Act. There was a need to listen to the concerns of people and collaborate in order to protect the local community.

It was acknowledged that letters had been received from Councillor June Marshall (local member), Councillor Keith Marshall (Bangor City Council) and Councillor Rhys Taylor (Bangor City Council) – the three had noted their apologies beforehand.

- In response to questions from the panel, the consultees noted that despite all their concerns they had no evidence of specific incidents of crime and disorder and public nuisance which could be attributed to the premises.

In summarising his case, the applicant took advantage of the opportunity to make the comment that he did not wish to open late but in order to compete for business he had to respond to the demand.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and giving particular attention to the principles of the Licensing Act 2003, 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 should be approved. The Sub-committee was sympathetic to the consultees' concerns but there was no justification for not approving the application or in predicting problems from the premises. The application, along with the police's conditions were in accordance with the licensing objectives. A suggestion was made that the applicant could clear the litter outside the premises in response to the concerns of neighbouring residents.

RESOLVED

To approve varying the premises licence of BELLA TAKEAWAY, 8 HOLYHEAD RD., Bangor as follows:

- **To approve an extension of an additional half an hour, between 23.00 and 3.00 on Thursdays and an additional hour between 23.00 and 03.30 on Fridays and Saturdays only for the licensable activity of providing late night refreshments.**
- **To accept all the Police's recommendations as listed below:**
 - a) That a digital CCTV system will be installed and will work to the satisfaction of the Police and Local Authority monitoring both the interior and exterior of the premises.**
 - b) In the case of the interior of the premises there will be sufficient cameras to record images of all areas available to the public, except for the toilets.**
 - c) Lighting in the location must be of sufficient brightness and quality to identify persons within the building.**
 - d) 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.**
 - e) Images will be surrendered on request to 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 those responsible for the premises must understand that they will be liable to have the premises licence reviewed.**
 - f) There must be a minimum of one trained member of staff available to download evidence at the request of the Police or an authorised officer when the premises are open.**
 - g) Signs will be installed and displayed clearly in public areas of the building warning that a CCTV system is in operation.**
 - h) Recordings of incidents must be kept secure for inspection by the Police.**
 - i) The Designated Premises Supervisor will maintain a register, approved by the Police**

and Local Authority, of all door staff employed on the premises. The register will include details of the times each person working as door staff start and finish duty, the name and SIA licence number of the person employed, (including the name of the company that employs them, if relevant).

- j) The register will remain permanently on the premises and will be made available for inspection on request by the Police or Local Authority. On completion of the register, it will remain on the premises for a period of at least one year from the date it was completed, and for that period of time it will be available for inspection by the Police or Local Authority.**
- k) These premises will employ a minimum of one SIA registered door supervisor on Friday and Saturday evenings for the final hour of licensable activity under this Licence.**

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

The meeting commenced at 2.00pm and concluded at 3.15pm.