
CENTRAL LICENSING SUB-COMMITTEE, 21.01.14

Present: Cllr W. Tudor Owen, Cllr Elfed Williams, Cllr Dilwyn Lloyd

Also present: Mr Ian Williams (North Wales Police Licensing Coordinator), Ashley Dacre (North Wales Police), Sion Huws (Compliance and Language 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 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 – BLACKOUT, 32 HOLYHEAD ROAD, BANGOR

On behalf of the premises: Miss Melody Jones, Mr Harry Bradford

Local Members: Cllr June Marshall and Cllr Mair Rowlands

Others: Ms A G Davies (Member of Upper Bangor Association and a nearby resident), Councillor Keith Marshall (Bangor City Council), Mr Gwyn Hughes (Bangor City Council), Ms Bethany Shooman (Belle Vue Hotel – nearby business), Mr Chris Jere (Belle Vue Hotel – nearby business)

Apologies: Bangor City Council 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 a letter objecting to the application had been received by the Licensing Unit on 20.12.13 (letter dated 18.12.13). However, it had become evident that the letter had been recorded and had therefore reached the Council on 19.12.2013 - the closing date for correspondence on the application. The Panel was asked to decide whether the letter should be included in the discussion. It was agreed that the evidence proved that the letter had been received within the allocated period. The applicant was given an opportunity to read the letter.

Submitted – the report of the Licensing Manager detailing the application of Blackout, 32 Holyhead Road, Bangor for a new premises licence. The application was in respect of the supply of alcohol, recorded music and the provision of late night refreshment.

Details of the proposed hours were provided, and the measures recommended by the applicant to promote the licensing objectives were listed.

Following the appropriate consultation period, observations and objections relating to the application had been received from Local Members and from Bangor City Council. Objections to

the application were received on the grounds of the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety, as approving the application would exacerbate the cumulative impact of nuisance, crime and disorder as a result of the over-provision of licensable activities in a residential area.

North Wales Police had no objection but it was recommended that conditions be imposed on the licence following agreement with the applicant.

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

It became evident that Gwynedd Council Planning Service had noted that formal planning permission would be required prior to implementation as the premises' current legal use was as a shop (A1). It was mentioned that the applicant had confirmed to the Licensing Unit's officers that she was in the process of submitting a full change of use application for the premises.

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.

The applicant was invited to expand on her application. She informed the sub-committee that she agreed with the Police's recommended conditions and that she had discussed issues such as a fire exit and the building's capacity with the Fire Service. One fire exit at the front of the property would be sufficient. The intention was to sell snacks only, and not to sell take-away meals from the premises.

She added that opening a new premises would not encourage more people to go out. The premises was located in a busy area, and would not encroach upon the outskirts of a residential area more than other public houses and businesses. She noted her intention to work with the local people, not against them, and that she was receptive to any observations.

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

The following specific points were noted –

- It was highlighted that there was no planning permission for the property.
- Upper Bangor already had an over-provision of businesses supplying late night food / alcohol / snacks. As a result, the over-provision would exacerbate problems such as unrest, noise, litter, antisocial behaviour and general nuisance.
- Reference was made to the 'Cumulative Impact' policy used by some local authorities to restrict the growth of licensed establishments in 'problematic' areas.
- There were already adequate entertainment venues available for students.
- No specific smoking area for the premises - smokers would congregate in a very narrow space (pavement) outside the only entrance which was near the main road.
- Concern that the business only had one fire exit - difficult to believe that this was adequate for customers and staff within a narrow building.

- Penrallt Baptist Church adjacent to the building. The Church held a Youth Club on Friday evenings
- The new premises would probably be an attraction in the area and would bring in more people - an additional venue would create additional problems. Enough is enough.

It was acknowledged that a letter had been received from Councillor Rhys Taylor (Bangor City Council) - the apology was noted.

The police representative reported that they had no direct evidence in relation to the premises as it was a new application. The application had been discussed with Bill Coppack and it was reported that he was happy with the content and that the applicant agreed with the Police's conditions. If the application were to be approved it became evident that the promotion of alcoholic drinks would have to be discussed with North Wales Police and not with PS483 Bill Coppack.

In response to questions from the panel, the applicant noted that she intended to extend the iron railings on the corner outside the property so that customers would not be standing on the main road - this was being discussed with planning service managers. There was no intention to allow customers to carry drinks from the building.

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 -

- Crime and Disorder prevention
- Public Safety
- Public Nuisance prevention
- 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 anticipating problems from the premises. A 'Cumulative Impact' policy had not been adopted by Gwynedd Council and therefore the Sub-Committee could not determine that there was an over-provision of similar businesses in Upper Bangor.

RESOLVED

To approve a new premises licence to BLACKOUT, 32 HOLYHEAD ROAD, BANGOR in accordance with the recommendations, and to include a new condition that glasses and drinks are not to be taken out from the premises. (Subject to a planning application).

- To approve the supply of alcohol, Monday to Sunday from 10:00 - 01:00
- To allow recorded music, Monday to Sunday from 10:00 - 01:30
- To provide late night refreshments, Monday to Sunday evenings between 23:00 and 00:00
- Opening and closing hours for the public, Monday to Sunday between 10:00 and 1:30 (A half-hour extension for all licensable activities, and to closing time during special periods - such as Fresher's Week, St David's Day, St Patrick's Day, Halloween, Christmas Eve and New Year's Eve.

Measures recommended by the applicant to promote the licensing objectives.

- Implement the 'Challenge 21' policy

- No unaccompanied children on the premises
- No children on the premises after 19:30
- Provide training for staff
- Consult with the Police prior to holding events that promote alcoholic drinks
- A Fire Safety risk assessment to be conducted in collaboration with the Fire Service
- Customers to be reminded of the need not to disturb nearby residents when leaving

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) The door supervisors will be appropriately registered with the Security Industry Authority (SIA) and will display a correct name badge.
- l) These premises will employ a minimum of one SIA registered door supervisor on Thursday, Friday and Saturday evenings from 22:00 until the premises closes to the public, unless the premises has received permission in writing from the police not to do so.

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.

5. APPLICATION TO REVIEW LICENCE – YATES, GLANRAFON, BANGOR LL57 1LP

On behalf of the premises: Mr Steve Burnett (Solicitor), Mr Stewart Draper (Stonegate Pubs), Mr Tye Healey (Manager - Yates), Ms Melissa Hughes (Deputy Manager - Yates)

Others: Mr Gwyn Hughes (Clerk, Bangor City Council)

Apologies: None to note

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.

Submitted - the Licensing Manager's report detailing the application from Yates, Glanrafon, Bangor, to vary the opening hours for licensable activities; and for the purpose of deleting conditions that are either no longer suitable or are too restrictive.

It was requested that the property be opened to the public at 09.00 am., seven days a week. The property currently opened to the public at 10:00 Monday to Saturday; and at 11:00 on Sunday mornings. It was noted that the hours for licensable activities would be retained in accordance with the existing licence. Details of the conditions which required changing / deleting (and the reasons for the changes) were included in the application.

Following the appropriate consultation period, observations and objections to the application had been received from Bangor City Council. There were objections to the application based on the licensing objectives of preventing crime and disorder, public protection and the prevention of public nuisance. Concern was expressed about the location of the premises - a sensitive location near the Cathedral and residential property. It was noted that there was evidence that glasses and bottles had been thrown into the Cathedral garden, and that deleting the condition in relation to prohibiting the use of glasses after 19:00 would lead to endangering the public. Changing the condition relating to Door Supervisors would also lead to a lack of control over customers that could lead to an increase in antisocial behaviour.

North Wales Police had no objection, but some of the recommended conditions, for example, changing the condition that drinks are not to be served in glass containers after 19:00, had been discussed with the applicant.

The Fire and Rescue Service had not submitted any observations.

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.

The licensee's representative, Stonegate Pub Company Ltd, were offered an opportunity to expand on their application. He noted that Poppleton Allen solicitors (acting on behalf of the applicant) had provided a written response to Bangor City Council. He presented information and policies relating to Stonegate company, and emphasised that it was a national company

with a good reputation. He referred to the fact that Mr Tye Healey, Yates's Manager, was the Chair of Bangor Pubwatch.

There was no evidence linking the glasses and bottles to Yates, and no evidence with the documents confirming that Yates were responsible for the litter. Bottles and glasses were not permitted to be taken from the premises. Opposite Yates there was a taxi rank used by vehicles and buses to pick people up and drop them off - Yates staff themselves had seen litter being dropped - there was a demand here for additional bins. In relation to the proposal to open at 9:00 in the mornings, the intention was to serve breakfast. The solicitor noted that there was no intention to change the condition regarding Door Supervisors, but that the second condition on page 18 of the licence required deleting.

The objectors present at the meeting took advantage of the opportunity to elaborate on their objection and they reiterated the observations that had been submitted by letter. The objector referred to the fact that he had photographs to show in the context of the litter around the Cathedral. Mr Sion Huws clarified that the relevant regulations made provision for the sub-committee to consider any documents submitted on the day of the hearing with the agreement of all the other parties. The applicant agreed that some of these photographs could be submitted - these photographs were distributed to the panel.

The following specific points were noted by the consultee—

- The photographs had been taken on a Monday morning, showing glasses, bottles and cans in the Cathedral.
- The City Council were happy to retain the condition relating to Door Supervisors
- The sale of drinks in glasses after 19:00 increased the litter problem.

A police representative noted that they had no objection to the deletion of some of the conditions. In addition he noted that enquiries were being made by the Police regarding Cathedral Land and that the Street Pastors confirmed that there was a problem there regarding the disposal of glasses. Despite this, there was no direct link with Yates. It was also verified that Yates' staff prohibited customers from taking glasses from the premises.

The applicant took advantage of the opportunity to conclude his case. No staff from the Cathedral, the City Council or Environmental Officers had contacted the premises regarding litter. No allegations had been brought to the attention of the Police and Yates were more than willing to cooperate with the Police.

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 -

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

The members were of the opinion that the application should be approved. The application, along with the police's conditions were in accordance with the licensing objectives. There was insufficient evidence to link the glasses and bottles in the Cathedral as having originated from Yates.

It was agreed that the condition relating to serving drinks in glasses should be deleted, but that the door Supervisors should ensure that customers did not leave the premises with any drinks.

RESOLVED

To approve varying the premises licence of YATES, GLANRAFON, BANGOR as follows:

- **The property to be opened to the public at 09.00 am, seven days a week**

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 5.15pm.