
CENTRAL LICENSING SUB-COMMITTEE 16.05.14

Present: Cllr Tudor Owen, Cllr Louise Hughes, Cllr Llywarch Bowen Jones

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

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Cllr 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 - LATE STOP, 13 HOLYHEAD ROAD, UPPER BANGOR, LL57 2EG

On behalf of the premises: Mr Bipin Chowla, Mr Alan Morgan

Local Members: Cllr June Marshall

Others: Ms A G Davies (Neighbouring resident), Councillor Keith Marshall (Bangor City Council)

Apologies: Councillor Mair Rowlands, Councillor Rhys Taylor (Bangor City Council), Councillor John Martin (Bangor City Council), Gwyn Hughes (Bangor City Clerk)

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.

Background of the application:

It was noted that the application had already been submitted to a meeting held on 8 November 2013 but that the hearing could not be held as evidence had been submitted during the hearing noting that the application had been advertised incorrectly.

The application was subsequently resubmitted on 17 December when the Sub-committee determined that there was no evidence that the application had been advertised in a local paper during the consultation period on the application.

A further application was submitted on 28 March 2014 where it was confirmed that the notice had been correctly submitted, in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

The report and recommendation of the Licensing Section.

Submitted – the report of the Licensing Manager detailing the application of Late Stop, 13 Holyhead Road, Bangor to vary the premises licence to permit an extension to the standard

licensable activities hours to provide late night refreshments and the selling of alcohol 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, Bangor City Council members and a neighbouring resident. Objections to the application were based on the licensing objective of public nuisance prevention due to the possibility of an increase in litter and noise on the street disturbing neighbouring residents. Concerns were expressed that an extension to the hours would lead to an increase in crime and disorder.

North Wales Police had no objection, but it was recommended that conditions be imposed on the licence relating to CCTV and door supervisors. The Police's view was that it was appropriate for all licences of premises selling late night refreshments in Bangor to be uniform as regards their licensed activities hours, 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 leading up to the weekend.

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

The applicant was invited to expand on his application. He noted also that the main reason for making the application was to compete with other businesses which had already received an extension to their opening hours. Everyone deserved to be assured of fairness and justice. He said that the shop had been trading for over twenty years and Mr Chowla's intention was to develop the shop to offer a service and respond to demand. He noted that the refreshments and alcohol would be sold through a hatch in the shop. It was intended to complete a risk assessment of the situation for a three-month period before deciding whether it would be wise to open the shop doors to the public during the extended hours.

A representative from the police reported that five incidents had been referred to them relating specifically to the premises, with two of them made by the applicant. Regarding the condition relating to door supervisors, it was noted that this would be included on the licence for the future, to be implemented once the owner decided to open the shop doors to sell refreshments and alcohol late at night. He confirmed that the application was consistent with the late-night serving of refreshments and alcohol in other establishments in Upper Bangor.

The consultees 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. It was acknowledged that letters had been received from Councillor Mair Rowlands and Councillor Rhys Taylor (Bangor City) and the local resident was asked to read these letters.

The following specific points were noted –

- The additional hours would lead to more litter and customers congregating and creating noise on the street

- The worshippers attending a local chapel or church facing a mess and litter on Sunday mornings.
- Upper Bangor already had an over-provision of businesses supplying food / alcohol / late night snacks. As a result, the over-provision would exacerbate problems such as unrest, noise, litter, antisocial behaviour and general nuisance. The saturation point must be considered.
- A request for the Council to consider a 'Cumulative Impact' policy used by some Local Authorities to restrict the growth of licensed establishments in 'problematic' areas.
- Public Protection was one of the features of the Act. Local residents had a right to peace and quiet. People's concerns had to be listened to.
- What about the building's fire restrictions? Residents living above the shop.

In summarising his case, Mr Chowla said that he acknowledged that Upper Bangor was a residential area, but that statistically there were more students residing there. He did not wish to be compared with establishments that served late-night refreshments, but rather with shops such as Asda and Tesco.

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 Sub-committee was of the view that extended hours should be allowed for the provision of late-night refreshments as this ensured consistency among other establishments and supported the police's effort to scatter clusters of people congregating on the street. The application, along with the police's conditions were in accordance with the licensing objectives.

Extended hours for the selling of alcohol off the premises was refused. Considering the nature of the customers congregating during the late hours, it was anticipated that this would lead to exacerbating the situation regarding public nuisance and the prevention of crime and disorder.

RESOLVED

To approve varying the premises licence of LATE SHOP, 13 HOLYHEAD ROAD, Bangor as follows:

- **To approve an extension of an additional half an hour, between 23:00 and 02:30 on Sunday until Wednesday nights, and an additional hour between 23:00 and 03:00 on Thursdays, and an additional 1½ hour on Friday and Saturday nights, between 23:00 and 03:30 only for the licensable activity of providing late night refreshments.**
- **Refuse the extension in the hours for the sale of alcohol off the premises**
- **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) **With respect to 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) **The lighting in the premises should be of sufficient quality and strength to be able to identify individuals in 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.**
- f) **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).**
- g) **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.**
- ng) **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 out a letter formally confirming the Sub-committee's decision to all present.

The meeting commenced at 10.15am and concluded at 12.10pm