
CENTRAL LICENSING SUB-COMMITTEE 03.09.14

Present: Cllr Eryl Jones Williams, Cllr Annwen Hughes, Cllr Elfed Williams

Also present: Sion Huws (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing), Mr Ian Williams (North Wales Police), Ms Wendy Kay (North Wales Police) and Lowri H Evans (Member Support and Scrutiny Officer).

2. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones Williams. The panel and the officers were introduced to everyone present

3. DECLARATION OF PERSONAL INTEREST

Nothing to note

4. URGENT ITEMS

Nothing to note

4. APPLICATION TO VARY A PREMISES LICENCE – UNIVERSITY PLAICE, 21 HOLYHEAD ROAD, UPPER BANGOR, GWYNEDD.

On behalf of the premises: Mr Mehemet Ali Usal and Miss Nia Haf Davies

Local Members: Councillors June Marshall, Mair Rowlands

Others in attendance: City of Bangor Councillor Keith Marshall, Mrs Arfona Davies (Member of Upper Bangor Society)

Apologies: City Councillor Rhys Taylor, City Councillor John Martin and Mr Keith Thomas (Fire and Rescue Service)

The report and recommendation of the Licensing Section.

Submitted - the Licensing Manager's report detailing an application to vary the premises licence of University Plaice, Upper Bangor, to extend the standard licensable hours. The premises are located among a line of businesses and shops in Upper Bangor and late night refreshments are provided to be consumed off the premises. In a previous hearing held on 30.9.13, the Sub-committee approved the extension of hours of late night refreshment provision from 2:30am to 3:30am on Friday and Saturday nights.

Details of the current hours and the proposed hours were provided.

Following the appropriate consultation period, objections to the application were received from the Local Members, Council and Individual Members of Bangor City Council, a neighbouring resident and North Wales Police, referring to the fact that:

- the premises had already been granted an extension to the hours of licensable activities
- a further extension would go beyond the licensing hours of similar licensed premises in Bangor.

Local Members objected on the grounds of the Licensing objectives of preventing public nuisance and preventing crime and disorder.

North Wales Police objected to the application as there was potential for the extension of hours on Sundays and during the week to undermine the licensing objectives of preventing crime and

disorder and public nuisance. It was noted that the Police would support an application for extended hours until 3:00am on Thursdays only; to correspond with the hours of similar licensed premises in Bangor.

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.

Elaborating on the application, the applicant noted that consistency with similar businesses was needed. It was argued that a similar business provided hot refreshments outside licensing hours and that it was in the interest of fairness that he should also be open to serve food, thereby reducing the numbers of people congregating in one place. He added that the business was seasonal and that an additional half an hour would recoup the hours lost during the summer months.

In response to a question, he stated that he would be willing to employ a door supervisor for the additional hours to deal with any disorder on the premises. He added that there was already CCTV in the premises and that he was willing to cooperate with the Police.

In response to the application a Police representative noted that they did not support the application. In an effort to avoid crime and disorder in Bangor through good cooperation and granting equal agreements in licensing hours to similar business, approving the application for an extension in hours would set a precedent. Agreement had to be reached on an appropriate closing time. Five complaints had been received about the premises; four of which had been referred by Mr Usal himself. The Police were satisfied with the way in which the premises was being managed.

Under Section 9.4.182 (October 2013 amendment) of the Licensing Act 2003, the Police, as the Responsible Authority have the right to object on the grounds of the likelihood that approving the application would undermine the principles of crime and disorder - without the need for evidence.

In response to the application, the Local Members noted that they agreed with the Police's statement. There had to be fairness, but extending the hours would set a precedent. It was noted that Upper Bangor was a residential area, and that the amenities of neighbouring residents had to be considered.

In response to the observation, a neighbouring resident noted that the Local Authority had a responsibility to safeguard and protect communities.

In response to the application, a Bangor City Councillor noted that he agreed with the Police's recommendations and agreed to the extension of hours on Thursday nights only to 3:00am.

In summarising his application, the applicant noted that fairness was his main consideration, and the Licensing Section was asked to monitor others to ensure that they did not provide hot refreshments outside the licensing hours.

The Public Protection Manager added that the Licensing Section would investigate the allegations relating to the premises providing hot refreshments outside the licensing hours.

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

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

The Sub-committee was of the view that the extended hours could not be approved on the grounds that another premises was providing hot refreshments outside its licensing hours. The additional half an hour on Thursday nights was approved in order to bring the licensing hours in line with those of other businesses. It was agreed that equity across the businesses prevented anti-social behaviour by the avoidance of a situation where people congregate in one place. The Police's view was accepted, and the reference to Section 9.4 182 of the Licensing Act 2003 was confirmed.

RESOLVED

TO REFUSE THE APPLICATION ON THE GROUNDS THAT ADDITIONAL HOURS CANNOT BE GRANTED DUE TO ANOTHER PREMISES PROVIDING HOT REFRESHMENTS OUTSIDE ITS LICENCED HOURS. THE ADDITIONAL HALF AN HOUR ON THURSDAYS (from 2:30am to 3:00am) WAS APPROVED IN ORDER TO ENSURE THAT THE LICENSED HOURS CORRESPOND TO OTHER BUSINESSES IN BANGOR.

Everyone was thanked for their contribution.

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

The meeting commenced at 2:00 and concluded at 2:50pm