
CENTRAL LICENSING SUB-COMMITTEE 08.12.14

Present: Cllr. Tudor Owen, Cllr. Angela Russell, Cllr. Dilwyn Lloyd

Also in attendance: Geraint B Edwards (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing), Eirlys Jones (Licensing Officer) a Lowri H Evans (Members Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Cllr 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

APPLICATION FOR A PREMISES LICENCE – MCDONALD'S RESTAURANTS, BRITANNIA SHOPPING CENTRE, CAERNARFON ROAD, BANGOR, GWYNEDD.

On behalf of the premises: Mr Phillip Loundes, Mr Anthony Gill (solicitor representing the applicant)

Local Members: Not present

Others in attendance: Councillor Derek Hainge (Bangor City Council), Councillor Eve Butler (Bangor City Council), Constance Bell (observing - Kings Chambers)

Apologies: None to note

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application for a variation to a premises licence for McDonalds Restaurant, Caernarfon Road, Bangor. The application was submitted for an extension of the hours of standard licensable activities of providing late night refreshments only, to be consumed on and off the premises. Details were given about the hours that the premises would be open to the public and the times that it would provide late night refreshments. It was noted that the drive-thru closed at 24:00 every night.

The panel was notified of the steps that the applicant intended to take to promote the four Licensing objectives -

- Operate a CCTV system
- Shift managers receiving training regarding safety and protection
- Conform to regulatory requirements in terms of fire safety, health and safety and food safety
- All staff to receive comprehensive safety training
- A no carrying open containers policy, including alcohol
- Emergency contact points for staff

- Litter patrol outside the restaurant
- Noise control measures in place – self-closing doors, customers being encouraged to leave quietly.

b) Neither North Wales Police nor the Fire and Rescue Service had any objections to the application. It was noted that the Police had noted that there was no evidence for them to refuse the application and that the proposed closing hours were a lot earlier than similar fast food restaurants in Bangor City centre.

c) Following an appropriate consultation period, an objection to the application had been received from Bangor City Council highlighting its concerns regarding the licensing objective of preventing public nuisance. It was noted that Bangor City Council was of the opinion that the proposed hours would lead to an increase in noise generated from customers late at night, impairing on neighbouring residents. Concerns were also expressed that an extension to the hours would lead to an increase in litter on the street. A letter had been received from local residents objecting to the application on the grounds of public nuisance, and concerns regarding anti-social behaviour. The resident noted that they were already being affected by the noise of loud music, and car noises relating to the licensable activities of the premises.

ch) While considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given an opportunity to ask questions to 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.

Everyone was reminded that they had 10 minutes to speak.

d) While elaborating on the application, the solicitor representing the applicant noted that the application was a reasonable one. The applicant had been responsible for the restaurant for over eight years and had a good relationship with the community, and employed over 100 local people. Observations had not been received from the Police, and no noise problems had been referred to the Council's Environmental Health Department. It was reported that the restaurant was taking part in the Keep Wales Tidy campaign, with two daily detailed litter collection sessions being arranged along with hourly collecting sessions. It was also intended to put noise control measures in place. In response to the observations from residents, disappointment was expressed that the residents had not expressed their complaints to the applicant.

In response to a question regarding why the proposed hours needed to include Sunday, it was noted that this was an opportunity to offer service to customers who expected the same service that was available in every McDonalds.

dd) In response to the application, Bangor City Councillors who were present at the meeting noted that they were expressing concern on behalf of the neighbouring residents. It was explained that the area was a quiet, residential area and that it was not necessary to create a situation where there would be an increase in noise and litter. It was inevitable that customers would arrive in cars that would add to noise. The councillors did not have any concerns regarding how the restaurant was run.

It was highlighted that the Local Member had not submitted any observations.

A letter that had been received from local residents, namely Mr Elwyn and Medwyn Jones, was acknowledged.

- e) While summarising his application the solicitor noted that the applicant accepted and understood the concerns of the city councillors but that no evidence had been submitted. It was highlighted that the applicant supported several local events and fundraised towards maintaining the nearby community hall. Consideration could be given to a procedure of stopping cars from going through the 'drive thru' after it closed at midnight.
- f) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered 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 opinion to approve the variation of the licence in accordance with the application. The Sub-committee was of the opinion that the application was in accordance with the licensing objectives.

- ff) Having considered the observations of Bangor City Council and Mr Elwyn and Medwyn Jones' letter (55 Bryn Llwyd Bangor) noting their concerns regarding alleged noise and crime and disorder, the Sub-committee was not satisfied that adequate evidence had come to hand to testify that a real problem of noise, crime and disorder existed, or was likely to exist, by approving the application.
- It was specifically noted, that no evidence of crime and disorder had come to hand from the Police, or any evidence of noise disturbance from the Council's Environmental Health Department.

RESOLVED TO APPROVE THE VARIATION OF THE LICENCE IN ACCORDANCE WITH THE APPLICATION.

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 the letter.

The meeting commenced at 2:00pm and concluded at 3:30pm.