
CENTRAL LICENSING SUB-COMMITTEE
2 December 2024

Attendance:

Councillors: Elfed Williams (Chair), Gareth M. Jones and Gwynfor Owen

Officers: Nia Grisdale (Legal Service Manager), Gareth Jones (Assistant Head - Environment), Rhian Medi (Licensing Compliance Officer) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. PREMISES LICENCE APPLICATION: City Sports & Cocktail Bar, 20/21 Canolfan Menai, Bangor

Others invited:

- Chris O'Neal Applicant
- Gilly Haradence Applicant's Representative
- Ffion Muscroft Public Protection Officer - Cyngor Gwynedd
- Ian Roberts North Wales Police
- Elizabeth Williams North Wales Police
- Cllr Nigel Pickavance Local Member
- Cllr Dylan Fernley Local Member
- Awen Gwyn Member of the Public

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted - the report of the Head of Environment Department giving details of a premises licence application to run a Sports Bar on the ground floor of the property which would include a range of Television Screens, Pool Tables, Interactive Dart Boards and Gaming Machines. On the second floor would be a Cocktail and Spirits Bar along with VIP seating and socialising areas, Photo Booths and a dance area.

The application was made in relation to Plays Indoors and Outdoors, Films Indoors, Sports Events Indoors, Boxing and Wrestling Entertainment Indoors and Outdoors, Live Music Indoors and Outdoors, Recorded Music Indoors and Outdoors, Dance Performances Indoors, Late Night Refreshments Indoors and Outdoors and the Supply of Alcohol on and off the Premises.

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It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses that had been received during the consultation period which included comments from a member of the public concerned about live music from DJs, bands playing and background music on both levels of the venue together with a request to ensure that the business's management plan included measures to deal with noise pollution and barriers to control patrons; had the bar managers given careful consideration to access to and egress from the premises?; concerned that there would be an increase in anti-social behaviour, which could lead to altercations and/or cause damage to nearby shops.

Comments from Environmental Health cited concerns about the proposed hours, the application to play music outdoors until 21.00 along with an intention to have an outdoor seating area (although the company would have to apply for a licence from the Highways Service to place chairs and tables on the street). It was reported that a meeting had been held onsite between the Environmental Health Officer and the applicant in relation to the Planning application (which was at the time going through the planning process) and further information was requested regarding noise in relation to the air conditioning units, noise from customers and predicted noise levels at the nearby residential properties as part of the planning process.

It was highlighted that North Wales Police supported the application, but expressed concerns regarding public safety after 04:00 when they will have fewer resources. After discussing the concerns with the applicant, it was suggested to stop selling alcohol at 03:30am and close at 04:00am on the weekends. It was reiterated that the Responsible Authority assured that a risk assessment considered the presence of adequate supervision in an area where there were hard objects, such as pool balls and cues, present. Matters related to traffic management were also raised.

It was added that, following the use of a Temporary Event Notice over the period 28-30 November 2024, anonymous comments had been received stating that although there were no problems on the Thursday or Friday nights, the 'outdoor' smoking area (a public area on the street) had been noisy, windows were open and loud music could be heard at the back of the building.

The recommendation stated that the Sub-committee should consider accepting and applying the reduced terminal hours for the sale of alcohol at weekends as agreed between the Police and the applicants. It was further recommended that the concerns outlined in the representations made by the Public and Environmental Health were considered, and that the noise mitigation measures and conditions recommended were included in the Operating Schedule if the application was to be approved, in accordance with the Licensing Act 2003.

- b) In considering the application, the following procedure was followed:
- Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant or his/her representative to ask questions to the Council's representative.
 - The applicant and/or his/her representative to be invited to expand on the application and to call witnesses.
 - Members of the Sub-committee to be given the opportunity to ask questions of the applicant and/or his/her representative.
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his/her representative.

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- Every Consultee to be invited to support any written representations.
 - The Council's representative and the applicant or his/her representative to be given the opportunity to summarise their case.
- c) In response to a question from the Sub-committee to the Council's representative regarding the outdoor area and if a particular alternative area was available for smoking given that the high street was a public area, outside the property, it was stated that there was a recommendation to include a condition to ensure control of the area and that a pavement licence would be required in order to be allowed to use the area in front of the property, which was not dissimilar to other businesses.

In response to a question about the range of activities being offered and whether there were other similar businesses in the city, it was noted that this was a 'Sports Bar' and not a Nightclub. It was noted that there were no other properties on the high street open until 04:00, but that Trilogy closed at 03:30.

- ch) In elaborating on the application, the applicant stated that this was a Sports Club and the intention was to host sports viewing events and make use of a large, disused building located in the heart of the city. About the outdoor area, he noted that a separate application had been submitted to use the area in front of the property until 21:00. Smoking and vaping inside the building were not permitted and he did not want to advertise or promote the outdoor area as a smoking area.
- d) In response to questions to the applicant from the Sub-committee and the Council's representative, the applicant noted that:
- A noise management plan had been submitted
 - Noise reduction equipment had been purchased where the sound levels could be controlled
 - He was prepared to control noise inside the property but it would be difficult to control noise outside
 - Door staff would be regularly available
 - Any alcohol purchased solely to take out would be sold in sealed containers
 - The measures presented with the application would be addressed – licensing matters were taken seriously
 - A meeting with North Wales Police had been beneficial
 - High-quality CCTV had been installed; the Club was part of the Pubwatch and Challenge 25 initiative
 - A NIGHT SAFE radio link would be in use as additional security and it was intended to re-introduce 'street angels' who would be allowed to use the property as their base
- dd) The consultee present took the opportunity to expand on the observations that were submitted in written form by them.

Ian Roberts and Liz Williams, North Wales Police

- Meeting with the applicant to discuss the licence had been beneficial
- Did not object to the application and agreed that the enterprise would be a boost to the local economy
- Pointed out that the number of Police officers available after 04:00 was low and therefore suggested that this could lead to problems
- Concern that the nearby high street was open to vehicles - comments had been submitted to Cyngor Gwynedd. With a number of people and vehicles on the high street, public safety had to be considered

Ffion Muscroft, Public Protection Officer - Cyngor Gwynedd

- Supported the initiative but was concerned about the negative impact on the amenities of neighbouring residents

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- Concern that noise would carry and therefore a request to avoid outdoor music use and control the base rate inside the building
- The noise of customers gathering in the outdoor area carried and therefore a suggestion to close the area at 21:00, displaying signs asking customers to respect neighbouring residents, especially when leaving.
- A random visit on 29 November had confirmed that the base rate was high within the property. The property manager had turned down the noise and closed the doors

Awen Gwyn, Member of the Public

- That this part of the high street also belonged to her as the landlord of a neighbouring business - the Club did not own the outdoor area - this aspect was worrying
- That the Bangor Strategy included residents and not just businesses. This area had plans in place for around 50 flats – the impact on the residents of these flats had to be considered and the noise controlled

Cllr Nigel Pickavance, Local Member

- That 'Ardal Ni' was a plan to turn Bangor high street into a social area. This was needed to revitalise the city centre, with a request made for the Council to consider closing the high street to vehicles
- That he welcomed the NIGHT SAFE scheme
- Agreed that only a chatting area was needed outside the property - no need for music here
- The initiative benefitted the city - a safe, vibrant site and social venue

Cllr Dylan Fernley, Local Member

- That he was supportive of the initiative
- That the high street needed to be revitalised
- Stated that vehicles were not needed on the high street – public safety had to be considered
- If there were any further issues or concerns, the applicant would have to address them

All observations received were acknowledged and gratitude expressed for those comments.

Taking advantage of his right to conclude his case, the applicant noted that the initiative would employ 32 people and would be a significant investment to try to revitalise Bangor city centre.

e) The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form, the written observations submitted by interested parties, the Licensing Officer's report, together with the verbal representations from each party present at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

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RESOLVED: To approve the application as submitted, subject to the inclusion of the following conditions

- The LAeq 15min sound level and the LZeq 15min sound level for the 31.5, 63 and 125Hz one-third octave band frequencies shall not be increased inside any residential property (measured with the property's windows open or closed) as a result of entertainment noise emanating from the licensed premises. For the purpose of this condition LAeq is defined in BS4142:2014
- Should Cyngor Gwynedd obtain evidence following the issuing of this licence that condition 1 is not being adhered to, then the premises owner shall carry out the following:
 - a) Carry out any noise insulation / abatement works to ensure the premises' compliance with a noise condition
- Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Environmental Health Officer (Pollution), Cyngor Gwynedd
- Music may not be played outdoors
- The external seating area must be closed after 21:00
- To prevent noise or vibration emanating from the licensed premises, doors and windows at the premises shall be kept closed during entertainment, except for access in and out of the premises
- The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22:00 – 09:00. The bottles shall be stored in a lidded skip/bin within the curtilage of the premises

Additional conditions to be included

- Include the additional measures submitted in part M of the application, as conditions on the licence
- The sale of alcohol on weekends to cease at 03:30 and the premises to close at 04:00

In the context of **Crime and Disorder**, the Police did not submit any observations in response to the application and no further evidence had been submitted which related to this principle.

In the context of matters of **Public Safety**, no observations or evidence had been submitted which related to this principle.

In the context of **Prevention of public nuisance**, the Environmental Health Service was satisfied with the application provided the conditions they proposed in response to the application and noted above were included on the licence. No further observations had been submitted in relation to this principle, so the Sub-committee was willing to approve subject to the conditions. The Sub-committee heard a number of observations expressing concern about the possibility of anti-social behaviours and noise levels. However, there was no evidence of a noise problem.

The applicant explained that a complex noise monitoring system had been commissioned as well as special CCTV cameras to ensure that noise levels did not intrude on neighbouring residents. No further observations had been submitted in relation to this principle, so the Sub-committee was willing to approve subject to the conditions. Appreciating the concerns expressed by the local residents, the Sub-committee was not of the opinion that there was evidence to refuse to grant the licence. If any problems arose in connection with the licensing principles, the Act would allow a licence to be referred for review by the Authority.

In the context of **Protecting Children from Harm**, no observations or evidence had been submitted which related to this principle.

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The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. It was added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10.00 and concluded at 12.00.