
CENTRAL LICENSING SUB-COMMITTEE 23-01-23

Present:

Councillors: Annwen Hughes (Chair), Edgar Owen and John Brynmor Hughes

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Ms M A G Davies (Local Resident) and Mr Simon Bromley (North Wales Fire and Rescue Service)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION FOR A PREMISES LICENCE – Bona Pizza, 23 Holyhead Road, Bangor

Others invited:

Mr Salim Hamdane (applicant)
Ms Gilly Harradence (applicant's representative)
Elizabeth Williams (Licensing Officer, North Wales Police)
Cllr Huw Wyn Jones (Local Member)
Cllr R Medwyn Hughes (Local Member)

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

The Licensing Manager highlighted that the Local Members had not presented any observations, however they were eager to address the Sub-committee should all the parties be in agreement.

In response, the applicant's representative noted that they agreed to an address from the Local Members, however they wanted to note that a specific timetable had been set to present observations.

The Licensing Manager's report was submitted giving details of the application for a premises licence for a hot food takeaway shop selling pizza, kebabs, burgers and chips; the application had been submitted in relation to late night refreshment on and off site.

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 received during the consultation period. It was noted that objections had been received to the application from members of the public on the grounds of public nuisance, specifically the likely late-night noise from customers, as well as odour nuisance. It was also noted that a petition had been received referring to concerns in relation to the Licensing Objectives of Preventing Public Nuisance and Public Safety. It was highlighted that North Wales Police recommended that CCTV conditions should be included on the licence as well as ensuring that staff receive training in relation to all aspects of the Licensing Act. The Fire and Rescue Service did not object to the application.

It was recommended that the Committee should approve the application in accordance with Police observations and the requirements of 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 representative may ask questions to the Council's representative.
 - The applicant and / or his representative were invited to expand on the application and to call witnesses
 - Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
 - At the Chair's discretion, the Council's representative may ask questions to the applicant or his representative.
 - Every Consultee was given an invitation to support any written observations.
 - The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

In response to a question regarding the 'need' for the property to be open until 3:30am, the Licensing Manager noted that the Bangor Uchaf area was a late licensed area - this premises would correspond to the licensing hours of two other takeaway premises in the area.

Elaborating on the application, the applicant's representative noted:

- That she gave assurance that both applicants had extensive experience of working in the food industry (period of 25 years)
- The proposed opening hours were in-keeping with the hours of the other two premises in the same area together with a 24-hour convenience store
- An additional half hour was required on Monday and Wednesday evenings as these were the main student nights out and they wished to take advantage of this
- Albert Street was some distance from the premises and therefore it would not have a direct impact from noise and food odours
- The reference to glasses on the pavement was misleading - glass would not be used by the applicants - only drink cans
- The applicants were eco-friendly - they would avoid using polystyrene trays
- There would be no increase in noise - the noise would be dispersed from the existing shops - namely, no additional noise

Cllr Huw Wyn Jones (Local Member)

- That opening until 3:30am was unreasonable, especially on a Monday evening

- Bangor Uchaf tended to close down at around 1:00am and therefore why did this premises need to be open much later?
- Concern that it may create a 'new market' with people travelling from afar to get food in the early hours of the morning.
- Concern about the increase in parking and noise
- Albert Street backed onto the premises

Cllr Medwyn Hughes

- He accepted that noise would be dispersed, however this would not make the area less quiet
- Although measures had been included for exclusions, how will these be monitored? Are the Police monitoring the situation?
- There was a need to consider the impact of public nuisance, noise, litter and odours on local residents

Elizabeth Williams (North Wales Police)

- Discussions had been held with the applicant who had agreed to install CCTV
- There were no complaints from the site or evidence to object the application

In response to a question from one of the Sub-committee Members regarding any history of trouble in Bangor Uchaf after midnight, it was noted that not many complaints had been received. With public houses closing at 1:00am no complaints had been received about the eating places or of crime and disorder.

Taking advantage of the right to summarise their case, the Licensing Manager noted:

- That the application was for a late-night refreshment licence and similar businesses in the area had already received a late-night refreshment licence
- It was accepted that there was a potential of creating a noise nuisance however, conditions had been imposed
- The operating schedule promised that the applicant would adhere to the conditions, however any party could submit an application to review the licence if any issues arose from the premises
- The Licensing Unit had no specific evidence from the premises to suggest that the application undermined the licensing objectives

Taking advantage of the right to summarise their case, the applicant's representative noted, that they were experienced persons and familiar with working in Bangor Uchaf. It was added that they ran an effective business and were willing to adhere to conditions; they were eco-friendly and they did not want to create ill-feeling.

- c) All parties were thanked for making representations on the application.

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 along with written comments submitted by interested parties, the Licensing Officer's report, and the oral comments from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave appropriate consideration to all the observations and were weighed 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 that were irrelevant to the above objectives were disregarded.

RESOLVED to approve the application.

The licence was given as follows:

Opening hours

Sunday	16:00 - 02:30
Monday	16:00 - 03:00
Tuesday	16:00 - 02:30
Wednesday	16:00 - 03:00
Thursday	16:00 - 02:30
Friday	16:00 - 03:30
Saturday	16:00 - 03:30

Late night refreshment: On and Off the Premises

Sunday	16:00 - 02:30
Monday	16:00 - 03:00
Tuesday	16:00 - 02:30
Wednesday	16:00 - 03:00
Thursday	16:00 - 02:30
Friday	16:00 - 03:30
Saturday	16:00 - 03:30

Incorporate the matters prescribed in the Schedule of Actions (Section M) of the application as conditions on the licence.

That the conditions recommended by the Police should be incorporated as conditions on the licence.

Reasons

In the context of **Crime and Disorder**, no relevant evidence was presented in relation to the premises. Observations had been submitted by the Police recommending conditions, and the applicant confirmed that he was happy for these to be included as conditions on the licence. The Sub-committee emphasised the importance of adhering to the Police conditions and the need to retain CCTV recordings for at least a month.

In the context of **Prevention of public nuisance**, the Sub-committee noted and acknowledged the concerns submitted in the written observations and expressed at the hearing. However, the purpose of the application was to bring the opening times of the premises in line with the opening hours of similar premises (although there was a little variation in relation to Monday and Wednesday evenings, in the opinion of the Sub-committee this was not significant). No evidence was submitted that problems arose from the premises nor was there evidence to suggest that approving the application would lead to such problems. As noted during the hearing, should any issues arise, legislation would permit making an application to review the licence.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved.

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 14:00 and concluded at 14:55