
CENTRAL LICENSING SUB-COMMITTEE 12.01.16

Present: Cllrs Eryl Jones Williams, Ann Williams and Annwen Hughes

Also in attendance: Geraint Brython Edwards (Solicitor), Sheryl Le Bon Jones (Licensing Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to share their observations on the application.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. APPLICATION FOR A PREMISES LICENCE – COST CUTTER, 90 PENRHYN AVENUE, MAESGEIRCHEN, BANGOR

On behalf of the premises: Mr M Shoker and Mr Williams (applicants)

Others in attendance: Councillor Chris O'Neal (Local Member)

Apologies: Nothing 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 premises licence for Costcutter, 90 Penrhyn Avenue, Bangor, expanding that the application was for a one-storey convenience store that would sell alcohol to be consumed off-premises. It was noted that the applicant had included appropriate steps to promote the four licensing objectives as part of the application. It was added that there was a club premises certificate for the building that had come to an end in November 2015.

Following a consultation period, it was noted that no observations had been received from the Environmental Health Service nor the Fire and Rescue service and that North Wales Police had not given observations within the allotted time. Two objections to the application had been received from Bangor City Council and a Local Member because the hours for the sale of alcohol were excessive. The objections were based on the licensing objectives of Preventing Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. It was noted that the applicant had been in talks with the police and had considered adjusting the premises' closing time to 1:00am.

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 submit 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.
- b) In response to a question regarding another Local Member for the Marchog ward, it was noted that Councillor Nigel Pickavance (Marchog 2 Member) had had an opportunity to submit observations but none had been received.
- c) In response to a question regarding the opening times of other shops in the area, the Licensing Manager confirmed that 'The Stores' was open 8 - 11pm (Monday to Saturday) and 10 - 11pm (Sunday) and that the 'Corner Shop' was open 8am - 8pm (Monday to Sunday).
- ch) In elaborating on the application, the applicant noted that he was happy with what had been submitted and endorsed the following observations of his intention:
- The shop was a new building - a good investment for the area
 - The shop offered a service to local residents
 - A cafe would be part of the premises
 - He had a good relationship with the police
 - It was intended to install a CCTV system of the best quality. 64 cameras had been recommended - this was approved by the police. It was noted that a record would be kept for 30 days and staff would receive appropriate training (a training package provided by Gwynedd Council)
 - Jobs were being created locally
 - Did not anticipate any problems - the intention was to run a professional business
 - Already running similar successful businesses
- d) In response to a question regarding the cafe, it was noted that the cafe's opening hours had not been confirmed and alcohol would not be served in the cafe. It was confirmed that the cafe was part of the shop - the premises had one entrance. The aim was to create an area within the shop for approximately 35 people to enjoy light meals.
- dd) Bangor City Council's observations were acknowledged:
- e) Taking advantage of the right to speak, the local member (Marchog 1), Councillor Chris O'Neal, noted that he had no doubts about the shop's standards. His only objection and concern was that alcohol was for sale at 6:00am.

Observations noted:

- The property was located at the heart of the community
- School buses collected many school children outside the property therefore it would obviously be busy in the morning
- Did not want to see children mixing with people buying alcohol early in the day
- Concern regarding selling alcohol to children under eighteen
- CCTV does not prevent disorder
- The biggest estate in the County with a history of problems - did not want to encourage new problems
- Proposal to consider selling alcohol from 9:00am
- He had no objection to the late night hours for selling alcohol

Councillor O'Neal asked for an explanation from the solicitor about the legality of the application in light of the fact that Sections I and L of the application form had not been completed. The Solicitor noted that the applicant had not noted that they were making an application to provide late night refreshments so it appeared that they would not need to complete Section I. Section L was for information only and technically it was not required for the application as the opening hours to the public was not a licensable activity under the 2003 Licensing Act.

- f) In summarising his application, the applicant noted that the building was empty and he was investing money in the community and the local area. He noted that he had a similar shop in Bodedern and there were no problems with the opening times there.
- ff) The Licensing Manager confirmed that the plan for the new building was for a shop. A brief plan of the shop was attached to the application and the application was discussed based on this plan. If anything were to change in the plan for the shop, it was explained that an application to vary a premises licence would have to be submitted. It was confirmed that the Sub-Committee had made a decision on the plan, which was part of the application.
- g) A request was made for the applicant to ensure that there were enough bins outside the shop to prevent litter.
- h) The relevant parties left the meeting.
- i) 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 -
 - Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

The Sub-committee was willing to approve the licence in line with the application. It was noted that there was insufficient evidence that the licence would contribute to the principles of the 2003 Licensing Act and it was not possible to make presumptions about possible situations when considering the case. The applicant was asked to collaborate with North Wales Police and the Fire and Rescue Service, and if problems arose in future it would be possible to make an application for a review.

RESOLVED to approve the application for a premises licence. The licence was issued in line with the applications but was subject to the following:

- 1. In line with the application at the hearing, a final time of 1:00 Monday-Friday was set for providing alcohol off-premises.**
- 2. The following were incorporated as conditions in relation to Closed Circuit Television:**
 - a. Closed circuit television records to be kept for 30 days**
 - b. Staff would receive appropriate training on the Closed Circuit Television system, in line with the training package provided by Gwynedd Council.**

The Solicitor reported that the decision would be confirmed formally by a letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.30pm and concluded at 3.30pm