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## CENTRAL LICENSING SUB-COMMITTEE 12 June 2023

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**Present:**

**Councillors:** Annwen Hughes (Chair), Linda Ann Jones and Gwynfor Owen

**Officers:** Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) 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. **APPLICATION FOR PREMISES LICENCE OF Bangor Grill, 212 High Street, Bangor**

**Others invited:**

Gilly Harradence - Applicant's representative  
M Muharam - Applicant  
Elizabeth Williams (Licensing Officer, North Wales Police)  
Ffion Muscroft (Public Protection Officer)

The Chair welcomed everyone to the meeting.

a) **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence by Bangor Grill Limited, 212 High Street, Bangor requesting permission to sell late night refreshments including hot food such as Kebabs, burgers and pizzas, to be consumed off the premises after 23:00 at night, until 3:30 in the morning on Friday night and Saturday night, until 3:00 in the morning Monday and Wednesday night, and until 2:30 am on Tuesday, Thursday and Sunday nights.

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.

Attention was drawn to the responses received during the consultation period. It was noted observations had been received from North Wales Police asking for assertiveness in the operative schedule to ensure the presence of door supervisors from 23:00 onwards on Friday nights and Saturday nights. One objection to the application had been received from Public Protection based on the fact that there weren't sufficient measures proposed from the applicant to ensure compliance with the licensing objective preventing public nuisance.

It was pointed out that enquiries had been made with the Planning Service regarding the Planning status of the property and confirmation was later received highlighting that a change of use application had not been presented for the property and that the Planning Service was considering enforcement steps.

The Licensing Authority had recommended approving the application subject to

- a) Complying with the requirements of the Police
- b) agreement from the applicant to comply with the nuisance control measures recommended by the Public Protection unit
- c) Receiving Planning permission for a change of use and permission to operate under any planning conditions regarding opening times.

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 to 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 to ask questions to the applicant or his representative
- Every Consultee was invited to support any written representations.
- The Council's representative and the applicant or his representative were given the opportunity to summarise their case.

c) Elaborating on the application, the applicant's representative noted as follows:

- That the applicant had introduced information to the Environment Officer indicating willingness to comply with the nuisance control measures
- Residents didn't live close enough to see/hear the effect of the air extraction system
- It would be ensured that noise would not cause nuisance
- It would be ensured that food odours would not cause nuisance

ch) In response to a question regarding the need to open until 3:00am, it was noted that this, by now, was the nature of the business with the city's pubs and clubs open until later. Although the applicant had no desire to work late, unfortunately it had to be done to respond to the demand. The Licensing Manager reiterated that these hours were normal for the type of property in Bangor and the hours were not different to similar businesses nearby.

In response to a question regarding the applicant's willingness to accept the conditions proposed, the applicant noted that he was more than willing to accept the conditions to ensure safety.

In response to a question regarding including a planning condition / change of use, the applicant highlighted that he had a letter noting the need to comply with planning conditions and that he would be more than willing to share the letter with the Licensing Department confirming this.

d) The consultees in attendance took the opportunity to expand on representations they had made by letter.

**Elizabeth Williams (North Wales Police)**

- That opening hours conforms with several similar properties in Bangor

**Ffion Muscroft (Environmental Officer)**

- Concern about noise from the extraction system
- No details relating to noise levels had been included in the application
- Happy with the applicant's intention to implement noise assessment
- Recommend adding noise conditions to the licence
- Withdraw their objection because of the applicant's willingness to comply

Taking advantage of the right to summarise their case, the applicant's representative noted;

- The company had 64 sites, therefore it was not a small company
- Safety conditions had been proposed
- The floor plan had been revised
- A phone number would be available for local residents
- There were no additional hours proposed in the application
- They hoped to improve the situation and that the licence would not need reviewing

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

- The proposed conditions submitted had changed the recommendation
- Should the Sub-committee decide to approve the application and accept the conditions, the wording of the conditions would need to be clear in terms of explaining their operation and enforcement - the Sub-committee had effective powers to impose conditions

e) 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 observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the representations 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

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

**RESOLVED: To approve the application in accordance with the requirements of the Licensing Act 2003.**

The current licence shall be varied as follows:

**1. Provision of late-night refreshment on and off the premises**

**Sunday 23:00 – 02:30**  
**Monday 23:00 – 03:00**  
**Tuesday 23:00 – 02:30**  
**Wednesday 23:00 – 03:00**  
**Thursday 23:00 – 02:30**  
**Friday 23:00 – 03:30**  
**Saturday 23:00 – 03:30**

2. **The additional measures, as set out in part M of the application, to be included as conditions but varied so that door staff are to be employed from 23:00 onwards on Friday and Saturday nights.**
3. **The following conditions to be incorporated:**
  - **No noise shall emanate from the premises that gives rise to a nuisance.**
  - **There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.**

**(i) A report shall be submitted to the Council detailing the potential for noise from the extraction plant at the premises from affecting neighbouring noise sensitive properties at Lower Street, Bangor, LL57 1HN, 1-2 City View, Cae Llepa, Bangor, LL57 1HW and flat above 210 High Street, Bangor.**

**(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.**

**(iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police did not have evidence of crime and disorder as a basis to object to the application. Nevertheless, they suggested that door staff should be employed from 23:00 onwards on Friday and Saturday evenings due to the higher risk of anti-social behaviour linked to alcohol at weekends.

In the context of **Public Safety** no evidence relevant to this principle was presented.

In the context of **Prevention of public nuisance**, Cyngor Gwynedd's Environmental Health Service confirmed that they withdrew their objection following the applicant's agreement to incorporate their suggested conditions (as detailed in an email dated 7/6/23 from the Public Protection officer to applicant's representative).

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

Although not part of the licensing regime, the applicant agreed to undertake with any planning requirements as necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He 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 11.00 and concluded at 11.40