

To: Members of the Licensing Sub  
Committee

Date: 8 September 2015

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Dear Councillor

You are invited to attend a meeting of the **LICENSING SUB COMMITTEE** to be held at **1.00 pm** on **WEDNESDAY, 16 SEPTEMBER 2015** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APPOINTMENT OF CHAIR**

To appoint a Chair for the meeting.

### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in the business identified to be considered at this meeting.

### **3 LICENSING ACT 2003: SUBMISSION OF A TEMPORARY EVENT NOTICE - DENBIGH KEBAB AND BURGER HOUSE, 2 BRIDGE STREET, DENBIGH (Pages 3 - 12)**

To consider the submission of a Temporary Event Notice in accordance with the Licensing Act 2003 in respect of Denbigh Kebab and Burger House, 2 Bridge Street, Denbigh (an outline of the submission and associated papers are attached.)

Please note the procedure to be taken by the Sub Committee (which is attached to this agenda).

## **MEMBERSHIP**

**Councillors**

Bill Cowie  
Win Mullen-James

Cefyn Williams

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## LICENSING SUB COMMITTEE

### PROCEDURE FOR APPLICATIONS MADE UNDER THE LICENSING ACT 2003

Step	Description
1.	Chair of the Licensing Sub Committee, opens the Hearing and welcomes everyone present. Introduces Colleagues on Sub Committee and Officers Present.
2.	Chair invites Licensing Officer to introduce the Application
3.	Chair invites the Applicant (or the Appointed Representative) to present the Application.
4.	Chair invites any Responsible Authorities (E.g. Police, Fire Service) to present their representations.
5.	Chair invites Members of the Licensing Sub Committee to ask questions of the Applicant or the Responsible Authorities.
6.	Chair invites Interested Parties to present their representations.
7.	Chair invites Members of the Licensing Sub Committee to ask questions of the Interested Parties and to clarify any points with the Applicant.
8.	Chair invites the Applicant (or Appointed Representative) to make a final statement.
9.	Licensing Sub Committee Members will adjourn to consider their decision, accompanied by the Clerk to the Hearing and the Legal Advisor.
10.	Licensing Sub Committee members return with their decision on the Application, supported by reasons.

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<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	16 September 2015
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Technical Officer(Licensing) 01824 706433 licensing@denbighshire.gov.uk
<b>SUBJECT:</b>	<b>Police Objection to Temporary Event Notice Denbigh Kebab and Burger House 2 Bridge Street, Denbigh</b>

**1. PURPOSE OF THE REPORT**

- 1.1 A Temporary Event Notice (TEN) has been submitted to the Licensing Authority by Mr Kuddusi Demir in respect of an extension of hours to the existing Premises Licence at Denbigh Kebab and Burger House, 2 Bridge Street, Denbigh.
- 1.2 A Temporary Event Notice authorises an individual to use a premises for one or more licensable activities. The person wishing to hold the event, “the premises user”, must give the prescribed Notice to both the local authority, Police and Environmental Health; with the Police and Environmental Health reserving the right to object to the Temporary Event Notice if they are satisfied that any of the licensing objectives under the Licensing Act 2003 would be undermined by allowing the premises to be used in accordance with the Notice.
- 1.3 North Wales Police have submitted such an objection and The Sub-Committee is therefore required to consider this objection, taking into account all relevant facts/evidence.

**2. EXECUTIVE SUMMARY**

- 2.1 Members are reminded that any decision must be made in accordance with (i) the Council’s Statement of Licensing Policy and, (ii) Guidance issued by the Secretary of State.
- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters relate to one or more of the objectives, they may exercise their discretion.

The Licensing Objectives are:

1. The prevention of crime and disorder
2. Public Safety
3. Prevention of public nuisance
4. Protection of children from harm

2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case merely because it considers it desirable to do so, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Protocol, Policy or Guidance.

### **3. RECOMMENDATIONS**

#### **3.1 Decision of the Sub-Committee**

The Sub-Committee must, having regard to the Objection Notice, take such steps (below) as it considers necessary for the promotion of the licensing objectives of the Licensing Act 2003:

the Sub-Committee can:

- Issue a Counter Notice if it is considered necessary to do so for the promotion of the licensing objectives, or
- Allow the Temporary Event Notice

### **4. BACKGROUND INFORMATION**

4.1 The Temporary Event Notice has been submitted (within the statutory time limits as set out in the Licensing Act 2003), in respect of an extension of hours to the existing Premises Licence (provision of late night refreshment) that is proposed to take place on 19<sup>th</sup> and 20<sup>th</sup> September 2015.

4.2 Members will wish to note that the premises currently has the benefit of a Premises Licence that allows for the provision of late night refreshment for the following times:

Monday to Thursday	23:00 hrs to 01:00 hrs
Friday and Saturday	23:00 hrs to 01:30 hrs
Sunday	23:00 hrs to 00:00 hrs

4.3 Members will recall that late night refreshment becomes a licensable

activity between the hours of 23:00 and 05:00 only; outside of these hours, no licence is required.

- 4.4 The Applicant wishes to use a Temporary Event Notice to extend the hours during which these activities may be provided from 01:30 hrs to 02:30 hrs on both the 19<sup>th</sup> and 20<sup>th</sup> September 2015.
- 4.5 North Wales Police have submitted an Objection Notice under Section 104(2) of the Licensing Act 2003 in response to the Temporary Event Notice, a copy of which is included in this report at Appendix 1.

## **5. OFFICER COMMENTS / OBSERVATIONS**

- 5.1 The Head of Planning and Public Protection has put the following comments forward to assist Members in their deliberations.
- 5.2 No authorisation for a Temporary Event is required from a licensing authority; only the police and Environmental Health can take steps to prevent an event taking place.
- 5.3 North Wales Police are satisfied that, should this Temporary Event Notice be allowed, there is a potential for an increase in anti-social behavior and potential breaches to the Premises Licence. Full details of this can be examined within the aforementioned Objection Notice at Appendix 1.

## **6. SUMMARY**

- 6.1 Members should take into full account Guidance and the Council's Statement of Licensing Policy; Members are reminded that they should only deviate from the Policy when there is good evidence/reason to do so.
- 6.2 Members will be required to determine whether, by allowing this Temporary Event Notice as applied for, it would promote the statutory licensing objectives.
- 6.3 Should Members be minded to agree that allowing the Temporary Event Notice would undermine the licensing objectives, they must issue a Counter Notice, along with a Notice giving the reasons for the decision to both the premises user and the police.
- 6.4 If Members decide to allow the event to go ahead, they must issue a Notice giving the reasons for the decision to both the police and the premises user.





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