

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 18 November 2015 at 2.00 pm.

PRESENT

Councillors Bill Cowie, Stuart Davies and Cefyn Williams

Observer – Councillor Huw Williams

ALSO PRESENT

Principal Solicitor (AL), Ian Millington (IM), Licensing Officer (NJ) and Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Cefyn Williams was appointed Chair for the meeting.

The Chair welcomed all parties to the meeting and all present were introduced. The hearing procedures had been circulated previously to all parties and copies of the Statement of Licensing Policy were made available at the meeting.

2 DECLARATION OF INTERESTS

No declarations of interest were raised.

3 LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE - THE WELLINGTON, 34 WELLINGTON ROAD, RHYL

The Licensing Officer submitted a report by the Head of Planning and Public Protection (previously circulated) upon –

- (i) an application having been received from Mr. Sean Donnelly for a new Premises Licence in respect of The Wellington (formerly The Liverpool Arms), 34 Wellington Road, Rhyl;
- (ii) the applicant having requested authorisation to provide the following licensable activities –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Indoor Sporting Events (Darts/Pool/Dominoes)	Mon-Thurs	10:00	00:00
	Fri- Sat	10:00	01:30
	Sun	11:00	00:30
Live Music (indoors only)	Mon – Thurs	17:00	00:00
	Fri – Sat	12:00	01:30

	Sun New Year's Eve	11:00	12:30 02:00
Recorded Music (indoors only)	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 12:30 02:00
Performance of Dance (Indoors)	Fri – Sat Sun New Year's Eve	12:00 11:00 10:00	01:30 12:30 02:00
Entertainment of a similar description to live music, recorded music or performance of dance (Indoors)	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 12:30 02:00
Supply of Alcohol (for consumption ON and OFF the premises)	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 00:30 02:00

- (iii) a Premises Licence allowing the sale of alcohol and regulated entertainment at the premises having been surrendered by the previous licence holder in 2011;
- (iv) the applicant having stated that the premises was proposing to trade as a public house;
- (v) the North Wales Police having raised objections to the application but following discussions with the applicant a number of conditions designed to further promote the licensing objectives had been drawn up (Appendix A to the report) and on that basis the Police requested that if members were minded to grant the application, they consider incorporating those conditions within the premises' Operating Schedule;
- (vi) two written representations having been received from interested parties in response to the public notice (Appendix B to the report) relating primarily to possible disturbance from noise and anti-social behaviour;
- (vii) the proposed Operating Schedule (Appendix C to the report);
- (viii) the need to consider the application taking due account of Guidance and the Council's Statement of Licensing Policy; other relevant legislation and relevant representations received, and
- (ix) the options available to the committee when determining the application.

The Licensing Officer summarised the report and outlined the facts of the case.

APPLICANT'S SUBMISSION

The applicant, Mr. Sean Donnelly was in attendance at the meeting in support of his application. He explained that he had recently taken over the premises and prior to that had been tenant of The Lorne Public House, Rhyl. During his tenancy he had established a good working relationship with the Police and remained a member of the Pubwatch and Town Link schemes. Mr. Donnelly provided assurances regarding his future intentions, advising of major alterations inside the premises in order to create a country cottage type environment to attract his target client base of 30 years and above. He did not wish to cause disruption to neighbours and did not intend to play loud music, advising that in general music would cease at 11.30 p.m. and the premises would close around 12 midnight.

In response to questions the applicant advised that –

- the renovations did not include sound insulation but if noise became a problem he would consider that possibility
- reported upon his previous experience in the licensed trade including his tenancy at The Lorne Public House and prior to that some years ago in England.

NORTH WALES POLICE SUBMISSION

A representative from North Wales Police was not in attendance. Members were advised of their written representations and a number of conditions which had been agreed between the Applicant and North Wales Police in order to further promote the licensing objectives (reproduced at Appendix A to the report). The Police had requested that if members were minded to grant the application they consider incorporating those conditions within the Operating Schedule.

PUBLIC REPRESENTATIONS FROM INTERESTED PARTIES

Two written representations (Appendix B to the report) had been received from Interested Parties: (1) Mr. B. Ellis of Carlisle Avenue, Rhyl, and (2) Ms. M. Sidoli of Wellington Road, Rhyl objecting to the application primarily on the grounds of noise and disturbance.

Ms. M. Sidoli addressed the Sub Committee in support of her written representations and elaborated upon her concerns regarding noise levels and opening hours. She queried why the Applicant had applied for later opening hours when he had specified his intention to operate fewer hours and close earlier. Concerns were also raised that should the premises be sold in future the new owner may operate to the maximum permitted hours. Ms. Sidoli referred to problems experienced when the premises was previously operated as a public house and she argued that there were now more residents in the vicinity with young families which would be affected. She did not consider the proposed measures to prevent public nuisance as detailed in the Operating Schedule would be effective.

Mr. B. Ellis was also in attendance in support of his written representations and reiterated his concerns regarding noise nuisance, particularly from patrons leaving the premises and associated noise from talking and car doors slamming into the early hours of the morning.

In response to questions both Ms. Sidoli and Mr. Ellis confirmed that their concerns had been largely based on the problems associated with the previous operation of the premises when noise and disturbance had been experienced. However Ms. Sidoli pointed out that lessons could be learned from the past and she felt the historical problems associated with the premises had a bearing on the current application.

APPLICANT'S FINAL STATEMENT

In making a final statement Mr. Donnelly acknowledged the concerns of the Interested Parties given the history of the premises and its former poor reputation. He explained that one of the reasons for changing the name of the premises had been due to that historical link and he intended to change that image and attract a completely different type of clientele.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (2.25 p.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the application be granted as applied for subject to the conditions as put forward by the North Wales Police and previously agreed with the Applicant as set out below –

Prevention of Crime and Disorder

1. CCTV
 - a) A CCTV system will be installed at the premises and be in operation at all times the premises are open
 - b) The CCTV system will have cameras monitoring both the interior and exterior of the premises. In the case of the interior of the premises there will be sufficient cameras installed to cover all areas to which the public have access, with the exception of the toilet areas. All entry and exit points are to be covered and must provide a clear head and shoulders view
 - c) The CCTV system will be of a standard capable of providing images of evidential quality and capable of facial recognition in all lighting conditions
 - d) The CCTV system will have a facility to record the images from all cameras and these images will be retained for a minimum period of 28 days
 - e) The CCTV system will include a facility whereby the correct date and time are included within the images recorded
 - f) The CCTV system will have a facility whereby images can be downloaded onto some form of removable media. It is the responsibility of the premises licence holder to provide the removable media and that should removable media be seized, it is the responsibility of the premises to ensure that there are additional formats of removable media available
 - g) Images from the CCTV system will be made available to Police or Local Authority officers on demand

- h) *At least one member of staff trained in the use of the CCTV system and capable of providing the recorded images from the CCTV system will be on duty at all times the premises are open*
 - i) *The Designated Premises Supervisor must ensure daily checks of the operation of CCTV system will be made at the start of business each day – any defects in the system will be addressed immediately. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.*
2. *PRIOR to being permitted to undertake the sale of alcohol all staff, including any unpaid members of staff, family members and casual persons who may be involved in the sale of alcohol at the premises, will be trained in their responsibilities under the Licensing Act 2003 and any subsequent amendments to that Act – in particular they will receive training with regard to the service of alcohol to persons who are drunk*
 3. *Refresher training in relation to the initial training at 2 above will be undertaken by all members of staff involved in the sale of alcohol every six months*
 4. *Records of the initial training received and subsequent refresher training will be maintained and will be produced to Police or Local Authority officers on request*
 5. *Incident and Refusals Book – an incident and refusals book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident and refusal book must be used to record the following –*
 - a) *Any incident of violence or disorder on or immediately outside the premises*
 - b) *Any incident involving drugs (supply/possession/influence) on the premises*
 - c) *Any other crime or criminal activity on the premises*
 - d) *Any refusal to serve alcohol to persons who are drunk*
 - e) *Any refusal to serve alcohol to under 18's or anyone who appears under 18*
 - f) *Any call for police assistance to the premises*
 - g) *Any ejection from the premises*
 - h) *Any first aid/other care given to a customer.*
 6. *The incident and refusals book must be made available for inspection by responsible authorities on request. This information may also be recorded electronically by the use of a till based or similar system*
 7. *The incident and refusals book to be reviewed every two weeks by premises management and signed/dated to confirm compliance*
 8. *The incident and refusals book record will be made available for inspection on demand by North Wales Police or Local Authority officers on request*
 9. *On nights when the premises is open beyond 00.00 a minimum of one SIA registered door staff will be employed from 21.00 hrs until such time as the premises close for business and all customers have vacated the premise. These persons will be employed solely in the management of the entry and exit of customers and the maintenance of order at the premise.*

Protection of Children from Harm

1. *The age verification policy that the premises will operate will be Challenge 25*
2. *All staff, including any unpaid members of staff, family members and casual persons engaged in the sale of alcohol will be trained in the Challenge 25 policy **PRIOR** to being permitted to undertake the sale of alcohol and will undertake refresher training every six months as a minimum*
3. *Records of the Challenge 25 training will be maintained and will be made available for inspection on request by North Wales Police or Local Authority officers on request*
4. *Children (under 18 yrs of age) will only be allowed on the premises if they are accompanied by an adult at all times*
5. *No children (under 18 yrs of age) will be allowed on the premises after 21.00 hrs*

The Chair conveyed the Sub Committee's decision to all parties at the meeting and the Principal Solicitor reported upon the reasons for the decision as follows –

The Licensing Sub Committee found the representations put forward by the Interested Parties to be based on historical information and data relating to the previous use of the premises as a public house. There was no evidence that noise would be a problem if the current application was granted and the Sub Committee was satisfied with the assurances given by the Applicant in that regard. Members also confirmed that they were satisfied with the conditions agreed between the Applicant and the North Wales Police in order to address the licensing objectives relating to the Prevention of Crime and Disorder and the Protection of Children from Harm and agreed that they be imposed on the licence.

All parties were advised of their right of appeal against the Sub Committee's decision to the Magistrates Court within twenty one days.

4 LICENSING ACT 2003: APPLICATION FOR VARIATION OF A PREMISES LICENCE - VALE COUNTRY CLUB, MOLD ROAD, RUTHIN

Members noted that the application had since been withdrawn by the Applicant.

The meeting concluded at 2.35 p.m.