

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 30 November 2015 at 9.30 am.

PRESENT

Councillors Bill Cowie, Stuart Davies and Cefyn Williams

Observer – Councillor Huw Williams

ALSO PRESENT

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

1 APPOINTMENT OF CHAIR

Councillor Cefyn Williams was appointed Chair for the meeting.

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 VARIATION OF A PREMISES LICENCE - DEVINE, LENTON POOL, DENBIGH

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. John Sydney Wynne for the variation of a Premises Licence in respect of Devine, Lenton Pool, Denbigh;
- (ii) the existing Premises Licence authorising the following –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of Alcohol (for consumption on the premises only)	Mon – Sun	12:30	00:30
Playing of Recorded Music	Mon – Sun	12:30	00:30
Late Night Refreshment (Indoors & Outdoors)*	Mon – Sun	23:00	00:30

(*the supply of Late Night Refreshment only became a licensable activity between the hours of 23.00 and 05.00)

(iii) the applicant having submitted an application for variation as follows –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Provision of Live Music (Indoors)	Fri – Sun Public Holidays	20:00 20:00	02:00 02:00
Provision of Recorded Music (Indoors)	Thurs – Sun Public Holidays	20:00 20:00	02:00 02:00
Supply of Alcohol (for consumption on and off the premises)	Sun – Thurs Fri – Sat Public Holidays	11:59 11:59 11:59	01:00 02:00 02:00
Late Night Refreshment (Indoors and Outdoors)	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)	Sun – Thurs Fri – Sat Public Holidays	23:00 23:00 23:00	01:00 02:00 02:00

- (iv) one written representation having been received from an interested party in response to the public notice (Appendix A to the report) relating to possible noise nuisance as a result of loud music along with the disturbance that may be caused by people leaving the premises late at night and during the early hours;
- (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 B 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) the Council's Planning Authority having advised that there was some discrepancy between the current authorised use of the premises to that proposed within the application;
- (vii) the proposed and current Operating Schedules (Appendix C and D 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. Since publication of the report mediation had been ongoing between the Applicant and the interested party from the neighbouring property which had resulted in the temporary removal of a speaker from the party wall. The interested party had been satisfied with noise levels since then and had agreed to withdraw his representation provided guarantees were given by the Applicant over future noise levels. Despite providing verbal assurances in that regard the Applicant had failed to confirm that agreement in writing and therefore the representation still stands. In terms of the discrepancy highlighted by the Planning Department over authorised use of the premises members were advised that the Applicant was addressing that issue directly with the Planning Department.

APPLICANT'S SUBMISSION

The Applicant, Mr. John Sydney Wynne was not in attendance at the meeting and details of the application, including the Operating Schedule were taken as read.

The Sub Committee was disappointed that they were unable to question the Applicant or seek assurances regarding steps to address potential noise nuisance given the concerns raised by the interested party and the close proximity of other residents in the locality.

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 B 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

One written representation (Appendix A to the report) had been received from an interested party – Mr. G. Hughes of Lenton Pool objecting to the application on the grounds of noise and disturbance.

Mr. Hughes was not in attendance in support of his representation and members noted the results of the ongoing mediation between Mr. Hughes and the Applicant as detailed by the Licensing Officer during presentation of the report. It was noted that the Applicant had failed to provide the written assurances requested by the interested party despite indicating that he would do so.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (9.45 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the variation application be refused.

The reasons for the decision were as follows –

The Applicant failed to attend the hearing in support of his application. The Licensing Sub Committee felt the Applicant's failure to attend was disrespectful to the Sub Committee given that he was asking for an increase in hours on his licence. In the absence of the Applicant the Sub Committee had to consider the application based solely on the evidence before it and members gave due consideration to the application and details contained therein and the objections put forward by Mr. G. Hughes. The Sub Committee was unable to question the Applicant about the potential impact the proposed increase in hours would have on residents in the locality, particularly Mr. Hughes. Due to the proximity of the resident, and other residents in the location of the premises, the Sub Committee determined that there would be an adverse impact as a result of an increase in hours on the levels of public nuisance, particularly noise levels emanating from the premises. Further that an increase in hours would lead to an unacceptable level in crime and disorder in the location. The Applicant had provided nothing to the Sub Committee which would satisfy them that the Licensing Objectives could be met appropriately. Consequently the application for a variation of the licence was refused.

The meeting concluded at 10.00 a.m.