

## LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 29 June 2016 at 9.30 am.

### PRESENT

Councillors Hugh Irving, Cefyn Williams and Huw Williams

### ALSO PRESENT

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

### POINT OF NOTICE

At the commencement of proceedings the Applicant was not in attendance and had not advised whether or not she intended to be present or represented at the hearing. The Licensing Sub Committee decided to proceed with the hearing in the Applicant's absence. The Sub Committee's procedure for dealing with applications made under the Licensing Act 2003 (as circulated with the agenda) was subsequently varied slightly in order to accommodate the late arrival of the Applicant part way through the proceedings.

#### 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 A NEW PREMISES LICENCE - THE POTS, 22 HIGH STREET, 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 Yvette Giblin for a new Premises Licence in respect of The Pots, 22 High Street, Rhyl;
- (ii) the applicant having requested authorisation to provide the following licensable activities –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Provision of Live Music	Thursday	19:00	23:00

(Indoors only)	Friday & Saturday	19:00	02:00
Provision of Recorded Music (Indoors only)	Monday – Thursday	11:00	23:00
	Friday & Saturday	11:00	02:00
	Sunday	11:00	00:00
Supply of Alcohol	Monday – Wednesday	11:00	23:00
	Thursday	11:00	00:00
	Friday & Saturday	11:00	02:00
	Sunday	11:00	00:00

- (iii) the applicant having stated that amplified live music would be played until 02:00 hrs on Fridays and Saturdays once or twice a month; acoustic performances may take place after 23:00 hrs; live music would also be provided on New Year's Eve until 02:00 hrs; the provision of recorded music would consist of a combination of background music and a DJ;
- (iv) the North Wales Fire and Rescue Services having submitted representations (Appendix A to the report) that the current fire safety provisions at the premises were not suitable and convenient for the proposed use, and detailed the areas of concern and recommendations to address the deficiencies in response to the application which had been shared with the applicant;
- (v) the North Wales Police having submitted representations 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 (Appendix C to the report);
- (vi) the applicant having indicated her willingness to work with the North Wales Fire and Rescue Service to achieve their requirements and recommendations and she was working with the owners of the property in that regard;
- (vii) the need to consider the application taking due account of the Council's Statement of Licensing Policy; Guidance issued by the Secretary of State; other relevant legislation and relevant representations received, and
- (viii) the options available to the committee when determining the application.

The Licensing Officer guided members through the report and facts of the case.

### **NORTH WALES FIRE AND RESCUE SERVICE SUBMISSION**

Mr. Bob Mason, Deputy Head of Business and Fire Safety and Mr. Nigel Day, Compliance Officer attended on behalf of the North Wales Fire and Rescue Service and elaborated upon the North Wales Fire and Rescue Service's concerns in respect of the premises.

At this juncture the Applicant, Ms. Yvette Giblin arrived at the meeting accompanied by her representative Mr. Sean Jones.

The Fire Officers continued with their submission and referred to their written representations (Appendix A to the report) highlighting the areas of concern which needed to be addressed before the premises opened together with their recommendations to achieve that aim. The five main failures identified were all major public safety issues and reference was also made to some goodwill advice regarding electrical safety. Since their last inspection, Raven Solar and Electrical Services had carried out some remedial works at the premises in relation to the fire alarm and lighting and an Inspection and Servicing Report was made available to members at the meeting. However concerns remained over other aspects identified in terms of electrical safety which required immediate remedial works. The Fire Officer submitted that whilst some works had been carried out further undertakings would be required before the premises was considered fit for purpose. Consequently members were asked to delay issuing a licence until the necessary works had been undertaken.

### **APPLICANT'S SUBMISSION**

The Applicant, Ms. Yvette Giblin and her representative, Mr. Sean Jones advised that all the necessary remedial works as stipulated by the North Wales Fire and Rescue Service had been carried out. An Electrical Certificate detailing those works had been issued to Parkers Leisure (owner of the building) who had emailed a copy directly to the North Wales Fire and Rescue Service. The Fire Officers advised that they had not received the Electrical Certificate or had sight of it.

The Applicant and her representative responded to questions as follows –

- detailed the location of the premises and its position on the first and second floor above a café and clothes shop with a ground floor entrance to the stairway
- the premises had been traditionally used as a snooker/pool hall and the intention was to carry on that tradition with the main bar area on the first floor
- the second floor would also be used for other functions and the intention was to hold a live event once a month
- the premises had currently been unoccupied for 8/9 months.

Members also put questions to the Fire Officers who advised that –

- whilst there was an adequate escape route available at the premises when used as a snooker/pool hall it was not an ideal venue for events such as live bands – therefore a maximum occupancy figure of 200 had previously been imposed
- Fire Officers had not yet had sight of a fire risk assessment conducted in respect of the premises but were willing to work with the applicant to achieve that outcome – much of that work had already been carried out and would be further reinforced with the Applicant as matters progressed.

### **NORTH WALES POLICE SUBMISSION**

A representative from North Wales Police was not in attendance. Members noted their written representations and a number of conditions which had been agreed between the Applicant and the 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.

### **APPLICANT'S FINAL STATEMENT**

In making a final statement Mr. Jones advised that all the works required by the North Wales Fire and Rescue Service had been carried out and the Applicant was willing to work with them to ensure their satisfaction. He reported upon their previous operation of a licensed premises which had been trouble free and provided assurances that they were responsible publicans.

Prior to members' deliberation the Chair agreed to a short adjournment in order to allow time for the Applicant to obtain a copy of the Electrical Certificate referred to in their submission as evidence of the remedial works undertaken. It was noted that further evidence in terms of the Maintenance Certificate was also required and was currently awaited by the owners of the premises.

### **ADJOURNMENT TO CONSIDER THE APPLICATION**

At this juncture (10.30 a.m.) the Licensing Sub Committee adjourned to consider the application. A copy of the Electrical Certificate was subsequently provided which members considered during their deliberations.

### **DECISION AND REASONS FOR THE DECISION**

**RESOLVED** that, subject to the conditions as set out below, a Premises Licence be granted for the following –

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
<i>Provision of Live Music (Indoors only)</i>	<i>Thursday Friday &amp; Saturday</i>	<i>19:00 19:00</i>	<i>23:00 02:00</i>
<i>Provision of Recorded Music (Indoors only)</i>	<i>Monday – Thursday Friday &amp; Saturday Sunday</i>	<i>11:00 11:00 11:00</i>	<i>23:00 02:00 00:00</i>
<i>Supply of Alcohol</i>	<i>Monday – Wednesday Thursday Friday &amp; Saturday Sunday</i>	<i>11:00 11:00 11:00 11:00</i>	<i>23:00 00:00 02:00 00:00</i>

### **CONDITIONS**

*North Wales Fire and Rescue Service –*

*Representations put forward by the North Wales Fire and Rescue Service in their submission, and as detailed in Appendix A to the report, must be resolved to their satisfaction prior to the licence being issued. Maximum occupancy of 200 persons.*

*As put forward by the North Wales Police –*

## 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 the 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 recorded images.
- 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 weekly checks of the operation of the CCTV system will be made – 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 without a personal licence, 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 occasion when the premises is open beyond 00:00, the premises will employ a minimum of one SIA registered doorstaff from 22:00pm until the time that the premises has closed and all customers have left.*

10) *The premises will carry out a risk assessment for any function and will assess the requirement for door staff. If a function merits the appointment of door staff then they will be employed in a ratio of 1:100 and will be SIA registered.*

#### *The 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 18yrs of age) will only be allowed on the premises if they are accompanied by an adult at all times.*

5) *No children (under 18yrs of age) will be allowed on the premises after 21.00hrs*

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

The Licensing Sub Committee considered all the submissions and evidence put forward by the Applicant and relevant parties. Members considered the imposition of conditions, as set out above, necessary in order to promote the licensing objectives – in particular the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Safety.

The meeting concluded at 10.50 a.m.