

To: Members of the Licensing Sub
Committee

Date: 15 July 2016

Direct Dial: 01824 712568

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING SUB COMMITTEE** to be held at **9.30 am** on **MONDAY, 25 JULY 2016** in **CONFERENCE ROOM 1A, 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.

APPLICATIONS FOR CONSIDERATION -

3 LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE - PRINCE OF WALES, REGENT STREET, LLANGOLLEN (Pages 7 - 26)

To consider an application for a new Premises Licence submitted in accordance with Section 17 of the Licensing Act 2003 (an outline of the submission and associated papers are attached).

9.30 a.m.

4 LICENSING ACT 2003: APPLICATION FOR A REVIEW OF A PREMISES LICENCE - BAR BOW, 27 WATER STREET, RHYL (Pages 27 - 166)

To consider an application from North Wales Police for the Review of a Premises Licence made in accordance with Section 51 of the Licensing Act 2003 (an outline of the submission and associated papers are attached).

11.00 a.m.

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

MEMBERSHIP

Councillors

Bill Cowie
Hugh Irving

Barry Mellor
Cefyn Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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.

This page is intentionally left blank

LICENSING SUB COMMITTEE

PROCEDURE FOR REVIEW HEARINGS S.51 LICENSING ACT 2003

Step	Description
1.	Chair of the Licensing Sub Committee, opens the Review 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 (if present) any additional Responsible Authorities to present their representations.
5.	Chair invites Members of the Licensing Sub Committee to ask questions of the Applicant and any Responsible Authorities present.
6.	Chair invites other Interested Parties to present their representations.
7.	Chair invites the Premises Licence holder to present representations.
8.	Chair invites Members of the Licensing Sub Committee to ask questions of the Premises Licence holder and Interested Parties and to clarify any points with the Applicant.
9.	Chair invites the Applicant (or Appointed Representative) to make a final statement.
10.	Licensing Sub Committee Members will adjourn to consider their decision, accompanied by the Clerk to the Hearing and the Legal Adviser
11.	Licensing Sub Committee members return with their decision on the Application, supported by reasons.

This page is intentionally left blank



/REPORT TO:	Licensing Sub-Committee
DATE:	25 th July 2016
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706451 licensing@denbighshire.gov.uk
SUBJECT:	Licensing Act 2003 Application for New Premises Licence: Prince of Wales, Regent Street, Llangollen LL20 8HN

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Authority has received an application for a new Premises Licence, submitted in accordance with Section 17 of the Licensing Act 2003 in respect of the Prince of Wales, Regent Street, Llangollen. As a consequence of the necessary consultation and required Public Notice, the Licensing Authority has received relevant representations that oppose the application. The Sub-Committee is required to determine the application, taking into account all relevant facts/evidence.

2. EXECUTIVE SUMMARY

- 2.1 This is an application for a new Premises Licence. The representations received relate to all four Licensing Objectives, namely the Prevention of Public Nuisance, the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Safety.
- 2.2 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.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.
- 2.4 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 representations made, take such steps (below) as it considers necessary for the promotion of the licensing objectives:

the Sub-Committee can:

- Grant the application as applied for
- Impose any conditions, to such an extent that the Authority deems necessary for the promotion of the licensing objectives
- Reject the application

4.0 BACKGROUND INFORMATION

4.1 On 1st June, 2016, the Licensing Authority received an application for a new Premises Licence. The application has been submitted by Mr Steven Evans in respect of the Prince of Wales, Regent Street, Llangollen.

4.2 The applicant has requested authorisation to provide the following licensable activities:

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Provision of Live Music Amplified (Indoors only)	Monday - Sunday	19:00	01:00
Provision of Recorded Music (Indoors only – Jukebox)	Monday - Sunday	19:00	01:00
Provision of Performance of Dance (Indoors only)	Monday - Sunday	19:00	01:00
Supply of Alcohol (for consumption on and off the premises)	Sunday & Monday Tuesday & Wednesday Thursday -Saturday	11:00 11:00 11:00	00:00 23:00 01:00

*Hours that the Premises will be Open to the Public	Sunday & Monday	11:00	01:00
	Tuesday & Wednesday	11:00	00:00
	Thursday - Saturday	11:00	02:00

* Authorisation is also requested for the Premises to remain open to the public from 11:00 am until 02:00 am on Christmas Eve and Boxing Day.

- 4.3 Provision of Alcohol – Non Standard Timings: In addition to the timings at 4.2 above, the applicant has also requested authorisation to provide alcohol from 11:00 am until 02:00 am on Boxing Day and Christmas Eve.

4.4 Licensing Act 2003 –information/requirements

When an application is submitted for a premises licence, a full copy must be provided to each of the Responsible Authorities, that is:

- Police
- Fire
- Planning
- Trading Standards
- Environmental Health
- Health and Safety
- Children’s Services
- Health Authority
- Licensing Authority

4.5 Public Notice

The applicant must place a notice in a local newspaper and affix a notice on or adjacent to the premises. This enables individuals, a body or a business to submit relevant representations. However, they will need to demonstrate that their representations relate to the promotion of one or more of the licensing objectives.

4.6 Relevant Representations

Representations that have been deemed to be relevant by the Head of Planning and Public Protection have been received within the statutory 28-day period:

- 4.6.1 A written representation has been received signed by two members of the public who live near the premises. They have highlighted numerous areas of concern relating to noise, disorderly behaviour and problems with glass and broken bottles littering their garden. The representation can be examined in full at Appendix A to this report.

- 4.6.2 Whilst all parties are offered the option of mediation once representations have been received, officers are careful to emphasise that there is no

obligation to engage. On this occasion however, both the applicant and the residents have indicated their willingness to engage and, whilst at the time of compiling this report no agreements have been reached, any further progress in this respect will be reported to Members at the Hearing.

- 4.6.3 Written representations have been received from North Wales Fire & Rescue Service who having been working with the applicant to achieve a successful resolution to areas of concern relating to fire safety provisions at the premises. However, at this stage they consider there are still outstanding matters to be addressed; full details are attached at Appendix B to this report. Whilst the Applicant has indicated his willingness to agree to the requirements put forward by the Fire Authority, Members may consider it necessary to impose a timescale within which these matters should be addressed to the satisfaction of the Fire Authority, should they be minded to grant the Premises Licence.
- 4.6.4 North Wales Police initially submitted representations to the application. However, after discussions with the applicant, a number of conditions designed to further promote the licensing objectives have been drawn up. The applicant has indicated their willingness to agree to these conditions and, on this basis, North Wales Police will request that, should Members be minded to grant the application, they consider incorporating these conditions within the premises' Operating Schedule. Members may examine the conditions at Appendix C to this report.
- 4.6.5 Sean Awbery, Senior Technical Officer (Environmental Health) has raised concerns relating to the premises' close proximity to residential properties. A number of conditions have therefore been proposed to be included within the licence, should it be approved, to assist in the prevention of public nuisance. These proposals, which have been agreed by the Applicant, can be examined at Appendix D to this report.

4.7 **Licensing Objectives / Guidance / Policy Considerations**

The relevant representations engage the licensing objectives.

The Sub-Committee, in respect of this application, is referred to the Guidance issued under Section 182 of the Licensing Act 2003:

- Prevention of Crime and disorder **Section 2.1 to 2.5**
- Public Safety **Section 2.6 to 2.8**
- Prevention of Public Nuisance **Section 2.14 to 2.20**
- Protection of Children from Harm **Section 2.21 to 2.30**

4.8 Statement of Licensing Policy

The Sub-Committee, in respect of this Application, is referred to the Council's Statement of Licensing Policy:

- Prevention of Crime and Disorder **Section 5**
- Public Safety **Section 6**
- Prevention of Public Nuisance **Section 7**
- Protection of Children from Harm **Section 8**

4.9 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act, they must also have regard to –

- The Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area
- The common law rules of natural justice
- The provisions of the Human Rights Act 1998

5.0 **OFFICERS COMMENTS**

The Head of Planning and Public Protection has put the following comments forward to assist Members in their deliberations.

5.1 A completed operating schedule is a requirement for all new and varied Premises Licences and the schedule submitted by the applicant can be examined at Appendix E to this report.

5.2 Whilst the premises has been operating as a public house for a number of years, due to a legal problem that arose outside of the remit of the Licensing Authority, the Premises Licence could not be transferred from the previous licence holder in the normal manner. It has therefore been necessary for Mr Evans to apply for a new licence. Whilst this matter has been under consultation, the premises has been operating at weekends under the authorisation of Temporary Event Notices.

5.3 The applicant has indicated their willingness to work with the Responsible Authorities and has so far agreed to all conditions proposed; however, should Members grant the licence, they may wish to either impose timescales for works to be carried out or, in certain circumstances, impose a condition stating the release of the licence should be delayed until such time as relevant Responsible Authorities are satisfied.

5.4 Members are reminded that, as of October 2012 when the Live Music Act came into force, the licensing requirement for live music between 08:00 hrs and 23:00 hrs has been removed in certain circumstances. For

Members' reference Section 15 of the Guidance to the Licensing Act defines these exemptions.

- 5.5 Finally, Members are reminded, that although the conditions submitted by North Wales Police and Environmental Health have been agreed by the applicant, any amendments to the original application such as additional conditions, can only be appended to the Premises Licence by Members of a Sub-Committee.

6.0 **SUMMARY**

- 6.1 Members should take into full account Guidance and the Council's Statement of Licensing Policy, with particular reference to those areas highlighted in this report. 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 granting this application as applied for, it would promote the statutory licensing objectives.
- 6.3 In view of the representations received, Members will wish to give careful consideration to this application for a new premises licence.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

REPORT TO:	Licensing Sub-Committee
DATE:	25 July 2016
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433 licensing@denbighshire.gov.uk
SUBJECT:	Application for Review of a Premises Licence under Section 51 of the Licensing Act 2003: Bar Bow, 27 Water Street, Rhyl Licence Number: PL1254

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003.
- 1.2 The application has been submitted by Inspector Alwyn Williams of North Wales Police in respect of Bar Bow, 27 Water Street, Rhyl, LL18 1SR.

2. EXECUTIVE SUMMARY

- 2.1 This is an application for the review of an existing premises licence. A responsible authority or an interested party may call for a review of a licence but it must be relevant to one or more of the four licensing objectives:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance, and
 - the protection of children from harm.
- 2.2 Members are reminded that any decision must be made in accordance with (i) the Council's Statement of Licensing Policy and, (ii) the Guidance issued by the Secretary of State and (iii) the prevailing law.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to

promote the Licensing Objectives.

- 2.4 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 grounds for Review, along with any additional representations made, take such steps (below) as it considers necessary for the promotion of the licensing objectives.

the Sub-Committee may:

- modify the conditions of the Licence;
- exclude a licensable activity from the scope of the Licence;
- remove the designated premises supervisor;
- suspend the Licence for a period not exceeding 3 months, or
- revoke the Licence

4. BACKGROUND INFORMATION

- 4.1 Guidance issued under section 182 of the Licensing Act, 2003 states:

“The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives”

- 4.2 North Wales Police have submitted an application for the review of a premises licence held by Mr James Benbow in respect of Bar Bow, 27 Water Street, Rhyl.
- 4.3 The current Designated Premises Supervisor at the premises is Miss Jessica Lane.

4.4 The grounds for review relate to all four licensing objectives (prevention of crime and disorder; public safety; prevention of public nuisance and the protection of children from harm), as stated on the application, are:

4.4.1 *“as a result of incidents of crime and disorder, and concerns raised by North Wales Police of the management at the licensed premises, particularly failure to comply with the conditions of the premises licence.*

Despite attempts by North Wales Police and Denbighshire County Council to address the concerns raised, using the licensed premises review procedure, serious incidents have continued

The premises has failed to promote the four licensing objectives.

North Wales Police have a lack of confidence in the Designated Premises Supervisor, the Premises Licence Holder and management of the premises to responsibly manage the premises.”

4.5 Full details of the review application and the incidents and interventions undertaken by North Wales Police and DCC can be examined at Appendix 1 to this Report.

4.6 Several visits and interventions have been undertaken at the licensed premises over several months in response to issues and incidents at the premises. These have been undertaken by North Wales Police and DCC Licensing Officers. Verbal and written advice have been issued to the Licence Holder, including warning letters. A meeting was held on the 25th June with the Licence Holder and the DPS to discuss continuing concerns and a detailed Stage 1 action plan was agreed by all parties. This was not complied with.

4.7 A meeting was held at the request of the Premises Licence Holder legal representative on the 6th of July to allow an opportunity to present what actions have been taken to improve the management of the licensed premises.

4.8 A full copy of the existing Premises Licence including the current operating schedule can be examined at Appendix 2 to the Application for Review.

4.9 North Wales Police will be providing CCTV footage for Members to view on the day of the hearing.

4.10 Licensing Act 2003 – information/requirements

When an application is submitted for review of a premises licence, a full copy of the application (and enclosures) must be provided to each of the responsible authorities and the premises licence holder.

4.11 Public Notice

Where an application for review has been accepted by the Licensing Authority, the Act requires that a notice advertising the application is displayed, both on the premises concerned, and at the main Licensing Authority offices for a minimum period of 28 consecutive days.

4.12 Relevant Representations

No further representations have been received from Responsible Authorities or members of the public in response to the application for Review

4.13 Issues and Matters relevant to the Application

Members will note that in considering the Application, they should take into account: -

- Balancing the interests of owners, employees, customers and neighbours of the premises.

4.14 Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives.

The Sub-Committee, in respect of this application, is referred to the Guidance issued under Section 182 of the Licensing Act 2003:

- The prevention of crime and disorder **Section 2.1 to 2.7**
- Public safety **Section 2.8 to 2.17**
- The prevention of public nuisance **Section 2.18 to 2.24**
- The protection of children from harm **Section 2.25 to 2.35**

4.15 Statement of Licensing Policy – Review Process

The Sub-Committee, in respect of this application, is referred to the Council's Statement of Licensing Policy:

- The prevention of crime and disorder **Section 5**
- Public safety **Section 6**
- The prevention of public nuisance **Section 7**
- The protection of children from harm **Section 8**

4.16 Members are also reminded that in determining the Application in accordance with the Licensing Act, they must also have regard to –

- The Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area
- The common law rules of natural justice
- The provisions of the Human Rights Act 1998

5.0 **OFFICERS COMMENTS**

- 5.1 The Head of Planning and Public Protection has put the following comments forward to assist Members in their deliberations.
- 5.2 Members should note that once steps, as detailed at Section 3 of this report have been taken and a determination is made, the Authority's decision does not have immediate effect. Any decision will only take effect when the period for making an appeal has expired or, if an appeal is lodged, when the appeal is disposed of.
- 5.3 Members should take into full account Guidance and the Council's Statement of Licensing Policy, with particular reference to those areas highlighted in this report. Members are reminded that they should only deviate from the Policy when there is good evidence/reason to do so.
- 5.4 Members of the Licensing Sub Committee are reminded of the need to provide reasons for their decision.
- 5.5 Members are reminded that any condition agreed to be relevant and proportionate requires appending to the face of the Premises Licence.
- 5.6 Members should be aware when considering revised conditions to be appended to the Premises Licence, any pre-existing condition of a similar nature will need to be removed.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank