

To: Members of the Licensing Sub
Committee

Date: 28 March 2017

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Dear Councillor

You are invited to attend a meeting of the **LICENSING SUB COMMITTEE** to be held at **11.30 am (or such later time as the preceding Special Licensing Committee ends)** on **WEDNESDAY, 5 APRIL 2017** 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.

APPLICATION FOR CONSIDERATION -

3 LICENSING ACT 2003: VINTAGE SUGAR TEAROOMS, 27 - 29 MELIDEN ROAD, PRESTATYN (Pages 5 - 30)

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).

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

MEMBERSHIP

Councillors

Pete Prendergast
Cefyn Williams

Huw 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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REPORT TO:	Licensing Sub-Committee
DATE:	5 th April 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433 licensing@denbighshire.gov.uk
SUBJECT:	Licensing Act 2003 Application for Premises Licence Vintage Sugar Tearooms 27-29 Meliden Road, Prestatyn, LL19 9SD

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 Vintage Sugar Tearooms at 27-29 Meliden Road, Prestatyn. 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 the Prevention of Public Nuisance.
- 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 10th February 2017, the Licensing Authority received a fully completed application for a new Premises Licence. The Application has been submitted by Mrs Dawn Louise Roberts. A full copy of the application can be found at Appendix A.

4.2 The premises is predominately a tea room serving afternoon teas and lunches with alcohol as an optional extra. It is further proposed to open in the evening to serve alcoholic drinks alongside food.

4.3 The Applicant has requested authorisation to provide alcohol as follows:

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of alcohol (for consumption both on and off the premises)	Monday-Sunday	08:00	23:00
Hours Premises are open to the Public	Monday-Sunday	08:00	23:00

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 One written representations have been received from Interested Parties in response to the public notice. The representations relate to possible disturbance from noise, details of which can be seen at Appendix B.

4.6.1.1 Throughout the application process, the Applicant has indicated a willingness to mediate with the Interested Party but unfortunately the Interested Party has made no contact with the Authority to allow any form of mediation to take place.

4.6.2 It is important that Members note when suggesting the option of mediation or negotiation to interested parties and applicants, officers are careful to emphasise that members of the public should not feel obligated to take part in mediation. Likewise, applicants should not feel pressurised to accept changes to their operating schedule if they feel it more appropriate for the application to be determined by Members.

4.6.3 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 Public Nuisance **Section 2.18 to 2.24**

Statement of Licensing Policy

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

- Prevention of Public Nuisance **Section 3**

4.8 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

OFFICERS COMMENTS

5.0

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

5.1

5.2

A completed Operating Schedule is a requirement for new and varied Premises Licences. The Applicant has proposed a number of conditions and the proposed operating schedule can be viewed as part of the Premises Licence found at Appendix A.

5.3

The applicant has further indicated that she does not intend to open as a bar in the evening and does not intend to be open every night until 23:00 hrs, but would like the flexibility to be able to open when the need arises until 23:00 hrs without having to apply for a Temporary Event Notice.

5.4

Given the concerns raised by the resident, Members will wish to ask pertinent questions of the Applicant (or her representatives) to ensure that she intends to employ appropriate methods to promote the licensing objectives.

SUMMARY

6.0

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 the representations submitted are relevant and appropriate to meet the licensing objectives.

6.3 In view of the representations received from the Interested Party, Members will wish to give careful consideration to this Application for a Premises Licence.

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