

## LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in the Council Chamber, County Hall, Ruthin on Monday, 5 June 2017 at 10.30 am.

### PRESENT

Councillors Alan James, Barry Mellor and Rhys Thomas

### ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Licensing Officer (NJ) and Committee Administrator (KEJ)

#### 1 APPOINTMENT OF CHAIR

Councillor Alan James 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 VARIATION OF A PREMISES LICENCE - CORPORATION ARMS, 4 CASTLE STREET, RUTHIN

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

- (i) an application having been received from the Three Feathers Ltd for the variation of a Premises Licence in respect of the Corporation Arms, 4 Castle Street, Ruthin;
- (ii) the existing Premises Licence authorising the following –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of Alcohol (for consumption on and off the premises)	Monday – Wednesday Thursday – Saturday Sunday	10:00 10:00 12:00	23:00 01:00 Midnight
Provision of Recorded Music (Indoors)	Monday – Wednesday Thursday – Saturday Sunday	10:00 10:00 12:00	23:30 01:00 Midnight
Provision of Late Night Refreshment	Thursday – Saturday Sunday	23:00 23:00	01:00 Midnight
Premises Opening Hours	Monday – Wednesday	10:00	23:00

	Thursday – Saturday	10:00	01:30
	Sunday	12:00	00:30

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

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
Supply of Alcohol (for consumption on and off the premises)	Monday – Thursday Friday and Saturday	10:00 10:00	01:00 02:00
Provision of Live Music (Indoors only)	Monday – Thursday Friday and Saturday	12:00 12:00	00:30 01:30
Provision of Recorded Music (Indoors only)	Monday – Thursday Friday and Saturday	10:00 10:00	01:00 02:00
Provision of Late Night Refreshment	Monday – Thursday Friday and Saturday	23:00 23:00	01:00 02:00
Non-standard timings for all the above licensable activities	12:00 to 02:00 on a Sunday prior to a Bank Holiday, Boxing Day and New Year’s Eve. Sunday hours remain as detailed in (ii) above apart from above variation		
Premises Opening Hours	Monday – Thursday Friday and Saturday	10:00 10:00	01:30 02:30

- (iv) five written representations having been received from interested parties in response to the public notice (Appendix A to the report) relating to noise nuisance/anti-social behaviour and crime and disorder;
- (v) the applicant having shown a willingness to engage in mediation throughout the process however an agreement to participate in mediation had not been reached by all parties and the applicant having provided a written response to the residents’ concerns (Appendix D to the report);
- (vi) prior to submission of the application the applicant having been in lengthy discussions with North Wales Police resulting in a number of agreed conditions designed to further promote the licensing objectives being drawn up and incorporated within the Operation Schedule (Appendix B to the report) together with amendments to existing conditions which formed part of the variation application (existing conditions to be removed and agreed amended conditions having been highlighted in Appendix C to the report);
- (vii) the proposed Operating Schedule (Appendix E 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. Sion Roberts for the Three Feathers Ltd was in attendance in support of the application.

Mr. Roberts advised that he was joint owner of the Corporation Arms. In noting the concerns raised by interested parties he responded as follows –

- referred to conversations with North Wales Police and agreed amendments to the application and operating schedule in order to enforce stricter licensing arrangements, which had already been implemented, and demonstrated the level of commitment to fulfil those licensing agreements
- since it had become apparent that mediation would not be achieved the premises had successfully operated Temporary Event Notices (TENs) on the two bank holiday weekends in May in line with the proposed variation application; there had been no issues about the way the premises had been run during those events and it was questionable as to whether local residents had even noticed that there had been later opening times during those weekends
- the variation application mirrored the premises licence in force at the sister public house, the Three Feathers, and no objections had been received to that application which operated with minimal complaint and was a well-run and much busier establishment with residents nearby
- he was mindful of licensees responsibilities to communities as demonstrated via the operation of the Three Feathers and the intention was to operate the Corporation Arms in the same manner
- reasoned that later opening times worked to allow a staggered dispersal of patrons rather than a mass exodus at closing time which was in line with the ethos of the Licensing Act 2003
- it was appreciated that there were historic concerns over the operation of the premises during the previous ownership but the new owners were working hard to address residents' concerns
- advised that the premises was a listed building and had been subject to much investment in order to safeguard it for the future and there was a need to increase revenue and the intention was to convert the upstairs to a guesthouse, similar to the rooms operated at the Three Feathers and to encourage tourism and create local jobs
- there was a suggestion from objectors that the later opening hours detracted from the historic street and assurances were provided that the premises would be well managed to encourage guests and secure good reviews; the renovations had improved the appearance of the street and when the upstairs was completed it would further enhance the area
- with regard to complaints about littering including cigarettes and bookie tokens, he advised that issue had been addressed with staff ensuring the area was kept clean and remained litter free
- referred to historic incidents under the previous ownership advising that there had been only one incident, on opening night, since the premises had been operating under the current ownership which had been dealt with appropriately and there had been an aggressive management response to bad behaviour and no incidents of note since then

- referred to the late submission from an interested party, Mr. C. Martin of Castle Street (approved for admission by the Chair prior to commencement of the meeting) relating to an incident at 1.00 a.m. on Saturday 3 June; the applicant stated categorically that the premises had closed by 12.30 a.m. on the day in question and therefore the incident had nothing to do with the premises or his staff and he had not been aware of it
- any problems regarding misuse of alleyways witnessed by door staff would be dealt with and refusing the application would not address that problem; security lighting may be a more permanent deterrent to the problem
- provided assurances that the premises had never operated after permitted hours and any historical bearing of previous problems arising from the premises had no bearing on the current ownership.

Members raised questions with the applicant who responded as follows –

- whilst there may be an element of attracting people from other licensed premises by operating a later licence the reality of current drinking habits meant that patrons often came out later and stayed out later; he believed that the later opening hours would allow for a more staggered dispersal of patrons into the early hours of the morning and staff would be vigilant and mindful to encourage patrons to leave the vicinity in a safe manner as opposed to earlier closing times which left people out on the street and causing problems – he argued that if there was capacity for people to stay out later they would leave in a steady stream as opposed to en masse. This was borne out by the experience at the Three Feathers who operated a later licence and the premises tended to empty gradually from 01.00 a.m. onwards (the Licensing Officer clarified that the premises operated a terminal hour of entry of 12.30 a.m. so patrons would not be admitted after that time)
- with regard to the incident on 3 June, the premises had closed and was empty by 12.30 a.m. and two door staff had been employed from 8.00 p.m. and on closing the premises the door staff then went to the Three Feathers; the door staff did not stand at the door all evening and would be working inside the premises
- he had been operating the Three Feathers for approximately 2½ years without problems and he also elaborated upon the use of the guest rooms at that premises and the intention to utilise the guest rooms at the Corporation Arms once refurbishment works had been completed with the majority of guests having positively reviewed their stay.

## **PUBLIC REPRESENTATIONS FROM INTERESTED PARTIES**

Five written representations (Appendix A to the report) had been received from interested parties relating to noise nuisance/anti-social behaviour and crime and disorder. A late submission from Mr. C. Martin of Castle Street had also been approved for admission by the Chair prior to the commencement of the meeting. Those interested parties present at the hearing included (1) Ms. G. Adams, (2) Ms. J. Hughes (representing Ms. M. Hughes), and (3) Mr. H. & Mrs. J. Lloyd – all residents of Castle Street, Ruthin.

Mrs. J. Lloyd was elected spokesperson on behalf of the interested parties present. The applicant's experience and operation of both the Three Feathers and the Corporation Arms was acknowledged and she commended the investment in those premises and efforts made by the applicant in implementing additional measures such as the CCTV coverage and refusals book and other positive steps to prevent disturbance. However the concerns of the residents related to the following –

- disturbance arising from customers vacating the premises and congregating in and around Castle Street into the early hours of the morning, particularly given the application to extend the licensing hours to 02.00 a.m. with an additional 30 minutes drinking up time leading to patrons being dispersed out onto the street into the early hours of the morning and causing disturbance in the vicinity
- the applicant's view that the later opening hours would lead to a more staggered dispersal of patrons was acknowledged but there was a fear that it would attract more patrons from other licensed premises which would increase congestion and subsequent disturbance and anti-social behaviour in a residential street
- the measures described by the applicant in the managed dispersal of patrons was noted but there were concerns that if the application was granted, it would lead to more applications for later licensing hours from other licensed premises in the vicinity wanting parity, thereby compounding the problem in what was already a very busy and popular area and creating further problems with crowd congestion and increasing the potential for noise nuisance from patrons and live and recorded music as premises competed for business
- reported upon problems already experienced by residents arising from loud noise, shouting and other anti-social behaviour such as urinating in the nearby alleyway and other lewd behaviour; a security light had been installed as a deterrent but had proved ineffective
- the premises was located in a residential street in a conservation area and was a very different area to that in which the Three Feathers was located and attracting revellers to the area would prove detrimental
- it was noted that the premises was closed by 11.30 p.m. on most nights.

In closing Mrs. Lloyd advised that she understood and commended the applicant's desire to build a successful business but residents were fearful that the extension to licensing hours would have a detrimental impact on Castle Street. Mrs. J. Hughes (representing Ms. M. Hughes) suggested that the use of TENs would be more acceptable given that there were concerns over a regular extension but no objection to occasional events being held. She also took the opportunity to report upon her own experience of living in the area and historical problems which had proved very disturbing for residents. In that regard she was keen to highlight that it was not strictly fair to compare the Three Feathers and the Corporation Arms as they were situated in different areas with Castle Street being a much more residential area.

A request was made for a member of the public, who had not submitted representations beforehand, to address the hearing and the Solicitor explained the legal position advising that it was not permissible. Mrs. Lloyd explained that a meeting had been held with residents in Castle Street the previous day and many who attended had not been aware of the application. In response the Licensing Officer provided assurances that the application process had been followed

correctly and the necessary notices had been published and displayed as appropriate.

During further questioning the applicant responded that –

- there was some Police presence around closing time which tended to fluctuate between the Denbigh and Ruthin areas
- with regard to the suggestion that TENs be submitted for occasional events instead of a permanent variation, the applicant advised that he was entitled to twenty-one TENs during the year but there was a cost implication to that option and it did not provide the flexibility needed in operating the premises or in responding to events at short notice; he also explained that if the variation application was granted it would provide greater benefits in terms of the additional obligations placed on the licence – those obligations would not be applicable to events operated under a TEN and would not provide the same level of safeguards. The reality was that the business needed to be profitable to remain viable and there was a need for flexibility in meeting demand which arose for later licensing hours. The later licensing hours would not be operated in the event of insufficient demand. Mrs. J. Lloyd confirmed that it was the residents' experience that if the premises was quiet then it would close but there were concerns that if the variation was granted then live music would be played late into the night which would attract people to the venue. However she acknowledged that the premises was operated better under the current ownership. The applicant again acknowledged the residents' concerns and recognised that noise could travel, hence the additional works and investment in refurbishing the premises in order to better contain the noise. However there was a need to recoup that investment and vary the premises licence in order to adapt and make the business profitable.

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

In making a final statement the applicant advised that he hoped to have demonstrated that a good drinking environment would be encouraged at the premises to benefit the town and there was a real commitment to run the establishment responsibly. The later licence had been pursued in order to meet the changing social demands of patrons and ensure the premises remained viable.

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

At this juncture the Licensing Sub Committee adjourned to consider the application.

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

**RESOLVED** that the Premises Licence be granted as applied for, subject to a reduction of 30 minutes in the permitted hours for the Provision of Live Music (Indoors Only) as follows: Monday – Thursday 12.00 to 00.00, and Friday – Saturday 12.00 to 01.00.

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

Members had carefully considered the application and representations submitted in this case. It was accepted that the premises was well run and the applicant had been commended by the interested parties. In considering the licensing objectives pertinent in this case the Sub Committee found the following –

### **Prevention of Crime and Disorder**

There had been little or no evidence as to any real issues with crime and disorder attributed to the premises. The incident referred to on the night of Saturday 3 June 2017 could not have had anything to do with the applicant since his premises had been closed at that time. It was accepted that there had been historical issues at the premises but that this also had nothing to do with the current applicant and that he ran an entirely different ship. The applicant ran a good establishment at the Three Feathers and had done a good job with the Corporation Arms and had improved it considerably. Members also noted that the Police had raised no issues with regard to the application and the applicant had implemented additional measures and conditions to help further promote the licensing objectives.

### **Prevention of Public Nuisance**

Members accepted that there were some elements of public nuisance outside the premises but that this was not necessarily directly related to the premises. It was also accepted that the applicant did everything he could to educate his patrons and door staff in getting people to disperse in an orderly manner.

The Sub Committee agreed with the applicant that having staggered opening times actually released the pressure on the town and not everyone would leave at the same time which should have the effect of reducing public nuisance.

The interested parties also commended the applicant on a number of the conditions which would be placed on the licence, particularly in relation to the refusal book and the CCTV coverage. It was accepted by the Sub Committee that the applicant was operating the business in line with the enhanced conditions at the moment. It was further accepted that the applicant had successfully operated over two bank holiday weekends in line with the application and had experienced no difficulties.

With regard to noise the Sub Committee was concerned about the level of noise which might emanate from the premises in terms of live music and as such had curtailed the time requested by 30 minutes on all days from that which was requested.

The Sub Committee was satisfied that the applicant was able within his management practices, his experience and through the staff he had to manage a well-run premises for the benefit of the town as a whole.

The Sub Committee was also encouraged by the level of discussion which took place and felt that the parties could have mediated a solution without having the matter come before members. The Sub Committee felt that the local people could work closely with the applicant in addressing any further concerns in the future.

The meeting concluded at 12.25 p.m.