

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 20 August 2018 at 10.00 am.

PRESENT

Councillors Hugh Irving, Alan James and Melvyn Mile

Observer – Councillor Bobby Feeley

ALSO PRESENT

Solicitor (AL), Enforcement Officers – Community Safety (HB & KB) and Committee Administrator (KEJ)

POINT OF NOTICE

Mrs. Vanessa Steele, Premises Licence Holder and Designated Premises Supervisor for The Galley, Rhyl (agenda item 3) was not in attendance and hearing of the Review Application was delayed pending confirmation regarding her representation. During a subsequent telephone conversation Mrs. Steele confirmed she wished to be represented at the hearing by Ms. Kayleigh Mannion, a member of bar staff at the premises. The Licensing Sub Committee agreed to proceed with the hearing on that basis.

1 APPOINTMENT OF CHAIR

Councillor Hugh Irving 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 personal or prejudicial interest had been raised.

3 LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE - THE GALLEY, 118 VALE ROAD, RHYL

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from North Wales Police for the Review of a Premises Licence held by Mrs. Vanessa Michelle Steele in respect of The Galley, 118 Vale Road, Rhyl (a copy of the existing Premises Licence and current operating schedule having been attached as Appendix A to the report);

- (ii) the grounds for review related to the Licensing Objectives for the Prevention of Crime and Disorder and Public Safety and were –

“as a result of the concerns that North Wales Police has in respect of the management at the licensed premises. The Premises Licence Holder (who is also the Designated Premises Supervisor) has failed to engage with the Force to address these concerns, despite clear evidence of a lack of understanding of the Licensing Objectives as defined under the Licensing Act 2003.”

full details of the Review application having been attached as Appendix B to the report;

- (iii) North Wales Police and the Council having embarked on a joint initiative to visit licensed premises in the Rhyl area to highlight the requirements of licensed premises not to serve people who were drunk as well as to generate support for the local Pubwatch scheme (Pubwatch was a national voluntary scheme set up with the aim of achieving a safe, secure and responsibly led social drinking environment in licensed premises);
- (iv) a visit to The Galley undertaken on 27 May 2018 as part of that initiative during which officers were subjected to foul language, confrontational and aggressive behaviour by a drunk member of the premises management and officers’ opinion that the management team held some contempt to the Pubwatch scheme and would serve whom they wished;
- (v) a letter having been sent to the Premises Licence Holder inviting her to attend a meeting to discuss Police concerns and agree a supportive way forward and her response that should she wish to become a member of the local Pubwatch scheme in future she would inform the Police and Local Authority;
- (vi) the Premises Licence Holder having also failed to attend a further meeting arranged by the Police to discuss concerns and agree a mutual understanding of the legal requirement to further promote the licensing objectives;
- (vii) the Premises Licence Holder in response to the Review application having suggested she was willing to attend any local Pubwatch meetings (a copy of the response having been attached as Appendix C to the report);
- (viii) footage provided by the Police from a body camera during a follow up licensing visit on 1 June 2018 having been submitted in evidence and viewed by members prior to the hearing – the footage showed an individual on the premises who had been banned under the Pubwatch Scheme;
- (ix) the need to consider the Review application taking due account of the Guidance issued by the Secretary of State and the Council’s Statement of Licensing Policy;
- (x) reference to the joint enforcement protocol with North Wales Police and the Council and three stage enforcement with an escalation mechanism – the

failure of the Premises Licence Holder to engage with Police having resulted in immediate escalation to stage three, and

(xi) options available to the committee when determining the Review application.

The Enforcement Officer (HB) introduced the report and outlined the facts of the case. There had been some confusion on the part of the premises management with regard to the Designated Premises Supervisor and it was clarified that Mrs. Vanessa Steele was the Designated Premises Supervisor, not Ms. Kayleigh Mannion. Mrs. Steele had advised of the intention for Ms. Mannion to apply to undertake that role in future, however no application had been received to date.

APPLICANT'S (NORTH WALES POLICE) SUBMISSION

Chief Inspector Andrew Williams and Police Licensing Manager Aaron Haggas were in attendance in support of the Review Application for North Wales Police.

The Police Licensing Manager explained his role and work with the Police in proactively engaging and creating positive working relationships with partners and licensed premises and highlighted the benefits of that approach for all parties. He also highlighted the importance of actively promoting the licensing objectives and ensuring licensed premises were aware of their responsibilities in that regard. Whilst it was appreciated that the Designated Premises Supervisor did not need to be present on the premises at all times, it was important for that individual to make themselves available to discuss concerns and be actively involved.

Chief Inspector Andrew Williams provided some context to the Review Application in terms of the wider community and investment in the regeneration of Rhyl together with the issue of alcohol related crime. He reported upon work being undertaken in the Rhyl area to make people feel safe highlighting the important role of licensees in that regard and working with them to promote the licensing objectives. The Chief Inspector referred to his submissions and evidence provided within the Review Application and drew attention to the following –

- evidence that staff considered Mr. Steele to be the licensee, his behaviour towards Police, and the hostility experienced by officers
- the complete and utter lack of knowledge of the Licensing Act and responsibilities of licensees in that regard when questioned
- the joint programme of routine visits to licensed premises operated by the Council and Police to aid early intervention and prevention of problems which was welcomed by most licensed premises, but the view in this case that Police attention was not needed or wanted with the inference that problems would be handled by the premises management rather than with Police to resolve issues
- during the visit on 27 May 2018 it transpired that the Premises Licence Holder/Designated Premises Supervisor was seated in the bar but she did not identify or introduce herself at any point during the exchange
- there was complete and utter contempt for the Pubwatch scheme; the Police considered Pubwatch extremely beneficial in the prevention of crime and disorder and whilst membership of the scheme was optional, the requirement to prevent crime and disorder was not and there was a positive obligation in that

regard – it was argued that to continue to willfully turn a blind eye to elements in society and serve them without concern was not conducive to that requirement. The premises management’s argument that they had no need for Pubwatch and there was rarely trouble at the premises could not be substantiated because they did not call the Police but dealt with issues themselves

- detailed the numerous attempts made by the Police to engage with the premises and reported upon the contempt and responses received in that regard – whilst an offer had been made for Ms. Mannion to attend a meeting it was necessary to meet directly with the Designated Premises Supervisor to discuss concerns and expectations – in quoting directly from an email received from Mrs. Vanessa Steele she advised that “unfortunately I do not have time for the role” which provided no confidence in the management of the premises. Whilst there was an intention for Ms. Mannion to undertake the role of Designated Premises Supervisor this was not the current position
- reiterated concerns given the type of violent criminals served at the premises and reported upon intelligence received with regard to drug use and drink driving which would be subject to further investigation.

In closing the Chief Inspector referred to his desire to work with the premises and ensure a safe environment for patrons. However in view of the complete disregard of the prevention of crime and disorder objective and contempt shown in that regard the Police felt no assurance could be taken that a responsible person was in charge at the premises. Consequently the Chief Inspector asked that the Premises Licence be suspended until such time that a new Designated Premises Supervisor was appointed and assurances provided in terms of the licensing objectives.

In response to questions the Chief Inspector advised that –

- there was no evidence of crime and disorder at the premises because they did not engage with the Police at all – the prevention of crime and disorder was a requirement under the Licensing Act 2005 and there was evidence the management of the premises were failing to meet that licensing objective
- apart from intelligence received regarding drug use and drink driving as evidenced in the written submission no other complaints had been received but people were generally reluctant to talk officially to the Police in that regard.

PREMISES LICENCE HOLDER’S REPRESENTATION

Mrs. Vanessa Steele, Premises Licence Holder and Designated Premises Supervisor was not in attendance and had appointed Ms. Kayleigh Mannion to represent her at the hearing. Ms. Mannion was a member of the bar staff and was accompanied by Ms. Patricia Wilson who worked at the premises in an administrative capacity and Ms. Carys Rainford who was the licensed landlord and owner of the premises.

In response to the Police submissions –

- Ms. Mannion indicated that she had not been present during the Police visit on 27 May 2018 but when Mr. Steele advised that he was not working that night the Police should have refrained from further discussion and instead spoken to bar

staff which could have prevented his reaction. She explained that Mr. Steele was a customer at the time of the visit, he was not management, and he had become 'wound up'. Ms. Carys Rainford indicated that she was present during the visit and did not experience any hostility and was not negative towards the Police. The Chief Inspector reiterated that the Police had asked to speak to bar staff and it was Mr. Steele who had approached the Police to speak with them in the bar area. Ms. Mannion clarified that as Mr. Steele was owner of the business he had been incorrectly identified as the licensee by a member of the bar staff when questioned by Police. She added that Mr. Steele had not ventured behind the bar as such during that visit because drinks were not served from that area which had been designated a clearing/sink area

- it was accepted that individuals banned under the Pubwatch scheme were served at the premises but there had been no trouble at the premises over the last ten years – if there was any trouble the Police would be informed but staff could control the customers. As the premises was not a member of Pubwatch those banned were aware they would be served and, after drinking, taxis would be arranged via Ms. Rainford's taxi company to take customers home so they were not on the streets causing trouble
- confirmed that Mrs. Steele worked during the day and was only available at the premises during the evenings or weekends
- to their knowledge the Police had not been into the premises to check for drug use or investigate any allegations of drink driving
- Ms. Rainford provided details of the comprehensive use of CCTV in the vicinity of the premises to protect her property advising that she fully co-operated with Police in the event that footage was requested and prevention of crime and disorder was taken seriously – she met with Mrs. Steele on a regular basis and was unaware of any issues of crime and disorder, especially in terms of security – in her view the premises was operated professionally and properly
- Ms. Wilson advised that, in terms of crime and disorder, the area used to be busy but at present The Galley was the only pub open – they had long standing patrons who had been drinking at the premises for generations, including the elderly, which demonstrated there was no fear of crime; at weekends families frequented the premises and she classed the premises as family friendly. There was no evidence of crime and whilst there was the odd disagreement there were never any serious disturbance or issues of concern at the premises.

In response to questions members were advised that –

- customers banned on the Pubwatch scheme had been patrons for generations – it was not just a business decision to serve them
- it had been difficult for Mrs. Steele to meet with the Police due to work commitments but it was accepted that she should have made arrangements to meet with the Police when she was available outside of work hours
- their view that because there was no crime and disorder at the premises there was no need to engage with the Police
- there had been no input from the Police since 2010 and the premises was managed and operated effectively.

APPLICANT'S (NORTH WALES POLICE) FINAL STATEMENT

In his final statement Chief Inspector Andrew Williams reiterated that he would welcome a conversation with Mrs. Steele – he had offered to meet on numerous occasions whilst also indicating his willingness to meet at a time most convenient to her. Mrs. Steele had advised that she had no time to run the premises and there was currently no one of responsibility in charge. The management controlled the premises themselves without involving the Police, serving those banned under the Pubwatch scheme resulting in a concentration of violent individuals. The Chief Inspector further responded to previous comments made that he should not have continued his conversation with Mr. Steele on 27 May 2018 by advising that he had indicated to Mr. Steele that he was in no fit state to speak with him but he persisted to continue the conversation. He also responded that, if serving customers banned under the Pubwatch Scheme was not a business decision – there would be no other reason to continue to do so – driving out the bad elements would increase bar sales and enhance the reputation of the premises.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (11.40 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that –

- (a) *the Designated Premises Supervisor be removed, and*
- (b) *the Premises Licence be suspended for a period of three months or such lesser time as North Wales Police indicate to the licensing authority that it is satisfied that the management of the premises is adhering to the licensing objectives and is prepared to have some meaningful liaison with North Wales Police.*

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

The Licensing Sub Committee heard all of the submissions in respect of the application for a Review of the Premises Licence for The Galley brought by North Wales Police.

The Chief Inspector had given a long and detailed account of attempts made to engage with the premises and his failure to meet Mrs. Vanessa Steele (Premises Licence Holder and Designated Premises Supervisor) at all, despite those attempts. By her own admission Mrs. Steele stated that she had no time to be involved in the running of the business.

Mrs. Steele had failed to attend the Review hearing and instead appointed Ms. Kayleigh Mannion to represent her. There was a belief that Ms. Mannion was Designated Premises Supervisor at the premises. This was a wrongly held belief and had been for some time. There was no application on behalf of the business to change the Designated Premises Supervisor at this time and it was not known

whether Ms. Kayleigh Mannion would be a suitable Designated Premises Supervisor. There was no correspondence between Mrs. Steele and anyone else at the premises with regard to her stepping down as Designated Premises Supervisor and appointing someone else in her stead.

The submissions of North Wales Police demonstrated a complete lack of willingness on behalf of the management team at the premises to engage with the Police. Whilst it was accepted that the premises had no detailed record of crime and disorder at the premises, it appeared to be the case, on the submissions put forward by Ms. Kayleigh Mannion and Ms. Carys Rainford that the ethos of the business was very much that they would continue to handle issues themselves as opposed to discussing how they might prevent crime and disorder at their premises. It would also appear that the unwillingness to engage with the Police, even in a preventative situation, goes further than Mrs. Steele but to other people who were involved to one extent or another with the running of the premises. There was a certain hostility towards that engagement for reasons which were unclear from the hearing itself.

The Licensing Sub Committee had little confidence in the present management of the premises. As such, it could not be confident that whoever was in reality running the premises was supporting the licensing objectives. Consequently the Licensing Sub Committee resolved to remove Mrs. Vanessa Steele as Designated Premises Supervisor. Furthermore the Licensing Sub Committee determined to suspend the Premises Licence for a period of three months, or such lesser time as North Wales Police indicated to the licensing authority that it was satisfied that the management of the premises was adhering to the licensing objectives and that the management of the premises was prepared to have some meaningful liaison with North Wales Police.

All parties were advised of the right of appeal against the Licensing Sub Committee's decision to the Magistrates Court within twenty one days.

4 LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE - 39 WELL STREET, RUTHIN

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from Richard John Green for a new Premises Licence in respect of 39 Well Street, Ruthin proposing to operate as a micro-pub selling alcohol for consumption on and off the premises;
- (ii) the applicant having requested authorisation to provide the following licensable activities –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of Alcohol (for consumption on and off the premises)	Monday – Sunday	12:00	22:00
Hours that the premises would be	Monday – Sunday	12.00	22.00

open to the public			
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- (iii) four written representations (Appendix B to the report) having been received in response to the public notice relating to possible disturbance from noise and anti-social behaviour;
- (iv) the Council's Environmental Health Section having submitted representations (Appendix C to the report) relating to the premises close proximity to residential properties and proposed a number of conditions (which had been agreed by the Applicant) to be imposed should the licence be granted to assist in the prevention of public nuisance;
- (v) the North Wales Police having submitted representations to the application and proposed a number of conditions (which had been agreed by the Applicant) to be imposed should the licence be granted in order to promote the prevention of crime and disorder licensing objective (Appendix D to the report);
- (vi) the Applicant having also provided a written response to the concerns of residents (Appendix E to the report) and indicated a willingness to mediate with the Interested Parties – however some objectors had indicated they preferred the matter to be brought before the Licensing Sub Committee;
- (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 Enforcement Officer (HB) introduced the report and outlined the facts of the case.

APPLICANT'S SUBMISSION

The Applicant, Mr. Richard Green was in attendance in support of his application together with his wife, Mrs. S. Green and his business partner Mr. D. McPherson. Mrs. Green summarised the application for a micro-pub requesting permitted hours from 12 noon to 10.00 p.m. but advised that usual opening hours would be between 3.00 p.m. and 10.00 p.m. apart from a Saturday. The business would not usually be open on a Monday unless it was a bank holiday.

In response to members' questions –

- Mr. Green provided some background to the business proposal and included his experience in the brewing industry and recently opened micro-pubs in Rhyl and Prestatyn which operated with similar licensing conditions; he also gave assurances regarding compliance with the proposed conditions
- Mr. McPherson also provided some background to his involvement and experience in the brewing industry and elaborated upon partnership plans with Mr. Green for the proposed micro-pub in Ruthin

- assurances were provided that there had been no incidents at any of the micro-pubs operated by the Applicant where the Police had been called and records were kept of any refusals to serve; CCTV was also maintained
- details were provided of staff training, including induction and policy requirements, together with training opportunities in terms of licensing and management as appropriate; a hands on approach was taken by stakeholders
- reference was made to the target market with a demographic of mixed gender, age range 30 to 65; quality products were sold at a higher price point than the competition because the products were hand crafted; a safe and welcoming environment was created to enable individuals to socialise, with many retirees visiting between 6.00 p.m. and 8.00 p.m. for that purpose. No food was served at the premises but bar snacks such as crisps were available
- it was confirmed that the micro-pubs in Rhyl and Prestatyn were in close proximity to residential properties. The Rhyl premises was situated in a row of shops with residential flats above and a residential estate nearby, the Prestatyn premises was situated opposite a retirement complex.

ENVIRONMENTAL HEALTH SUBMISSION

Mr. Sean Awbery from the Council's Environmental Health Section referred to his written representations (Appendix C to the report) proposing a number of conditions to be imposed on the licence, if granted, in order to prevent public nuisance. The conditions had been agreed with the Applicant.

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 D 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.

INTERESTED PARTIES SUBMISSION

Four written representations had been received (Appendix B to the report) from interested parties detailing concerns relating to the licensing objectives. Those interested parties at the hearing included (1) Mr. G. Price and Mrs. S. Price, and (2) Mr. J. Brimble and Mrs. C. Brimble – all residents of Well Street, Ruthin. Mrs. S. Price was elected spokesperson on behalf of those present.

Mrs. S. Price referred to the written representations and residents' concerns which focused on noise nuisance, risk of second hand smoke, light pollution and noxious smells. In reply Mrs. Green drew attention to the comprehensive written response to residents' concerns (Appendix E to the report) detailing how those issues would be addressed and mitigated. In response to further questions raised by Mrs. Price the Applicant and his representatives –

- acknowledged concerns regarding the potential for patrons to smoke outside of the premises directly underneath residents' windows but advised that previous

experience had shown that few smokers were attracted to the micro-pub and any smoke would be diluted as it drifted upwards – patrons would not be encouraged to smoke outside the premises or permitted to take drinks outside for that purpose; signage would also be placed near the door to discourage that practice and the Applicant was willing to ascertain the feasibility of a fan/extraction installation at the front door to further address concerns

- advised that a section of the internal rear space could be utilised for the purpose of storing waste and loading and unloading would be restricted to after mid-day when the premises would be opened to allow access
- provided assurances with regard to noise confirming that arrangements were being made to engage a noise engineer to undertake a survey on the premises with a view to implementing any recommendations, such as the installation of an acoustic noise barrier, in order to address noise concerns; in terms of general noise from patrons outside the premises clear notices would be displayed requesting patrons respect local residents and leave quietly
- reiterated that the premises would be open for limited hours, usually from 3.00 p.m. or 4.00 p.m. up to 10.00 p.m. with fifteen minutes drinking up time.

With the consent of the Chair, Councillor Bobby Feeley addressed the Sub Committee and reported upon a number communications she had received from residents raising similar concerns with regard to the application which included the potential for noise/disturbance; parking issues (including deliveries); unruly behaviour associated with drinking; passive smoking, and the possibility of live music. Whilst there was an amicable mix of business and residents at present there were concerns that the balance may be disturbed if a licence was granted. Whilst appreciating the suggested mitigating conditions to address concerns (Appendix C and D to the report) and the Applicant's detailed response to the concerns raised (Appendix E to the report), residents remained worried that those conditions may not be adhered to or fully address all of the concerns raised. A micro-pub was generally considered to be an excellent venture but it was questioned whether it was the right location to start such a venture given the concerns raised. Mr. J. Brimble added that there were more suitable locations in the area for a micro-pub, reiterating his concerns, including passive smoking, and queried whether there was a smoking policy in place. Mr. Sean Awbery responded that as far as he was aware there was no policy with regard to smoking in public areas. Mr. G. Price also reiterated his concerns regarding the impact of noise and whilst he appreciated there was a public house and kebab shop further along the road, those businesses were not located directly below his residence.

The Chair questioned the issue of noise nuisance with Mr. Sean Awbery, Environmental Health Section who confirmed that, as part of the planning application, a noise assessment had been requested to test the robustness of the structure to contain noise and the Applicant had agreed to provide any upgrades as necessary which may form part of any future planning condition. Mrs. Green clarified that, with regard to music, the micro-pubs in Rhyl and Prestatyn had an acoustic evening on a Wednesday or Sunday playing for approximately 1 – 1.5 hours from 7.00 p.m. – 8.30 p.m. – no electronic music was played. Mr. McPherson added that the micro-pub movement was more about the art of conversation.

APPLICANT'S FINAL STATEMENT

In making a final statement Mrs. Green reiterated that they operated a responsible business and provided assurances that all concerns would be taken into account and full consultation was welcomed. She also extended an invitation for residents to see how their other micro-pubs were operated with a view to providing further assurance and alleviating concerns raised. The reasoning behind the choice of location for the business in Well Street was explained given its demographics with a good range of retail and comparable outlets. The conditions put forward by the Police and Environmental Health had been accepted and any recommendations arising from the noise assessment (being undertaken as part of the planning application) would be implemented subject to being financially viable.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (1.00 p.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

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

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIMES
<i>Supply of alcohol (for consumption on and off the premises)</i>	<i>Monday – Sunday</i>	<i>12.00 – 22:00</i>
<i>Hours premises are open to the public</i>	<i>Monday – Sunday</i>	<i>12.00 – 22:00</i>

CONDITIONS

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 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 images recorded.*

- 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 daily checks of the operation of the CCTV system will be made at the start of business each day – 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 & 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) *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.*
- 4) *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, ambulance or fire service assistance to the premises.*
 - g) *Any ejection from the premises.*
 - h) *Any first aid/other care given to a customer.*
- 5) *The details to be recorded within the incident and refusals book must include the following:*
- a) *Time, day & date of incident or refusal*
 - b) *Person making the entry*
 - c) *Staff witness*
 - d) *Name & address of customer (if given)*

- e) *Description of Customer*
 - f) *Reason for refusal or Nature of incident*
 - g) *If police, ambulance or fire service were called*
- 6) *The incident and refusals book must be made available for inspection by responsible authorities on request. The information may also be recorded electronically by the use of a till based or similar system.*

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 18 years of age) will only be allowed on the premises if they are accompanied by an adult at all times.*
- 5) *No children (under 18 years of age) will be allowed on the premises after 19.00 hrs.*

As put forward by the Council's Pollution Control Section –

- 1) *The playing of live/recorded music externally is not permitted*
- 2) *The placing of all receptacles outside the premises shall only be permitted to take place between the hours of 09.00 hrs and 21.00 hrs to minimise disturbance to nearby properties*
- 3) *Prominent, clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly*
- 4) *No flashing or bright lights shall be positioned on or outside the premises and any security or access lighting shall be installed and operated so as not to cause a nuisance to nearby properties*

The Chair conveyed the Sub Committee's decision to the 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.

The Applicants had acknowledged the concerns raised by residents and indicated that they were willing to work with residents to further alleviate those concerns and welcomed that opportunity. There was some assurance that the concerns about noise could be addressed and a survey would be undertaken to ascertain what measures could be put in place to prevent noise nuisance. The Sub Committee was not satisfied that there would be undue levels of noise disturbance emanating from the premises given that the ethos of the business aimed to appeal to a more mature clientele attracted to the craft ales and conversation as opposed to more typical pub activities.

The Applicants would also be taking measures to reduce and minimise the effect of any smoke nuisance to the residents in the area. It would not be an activity encouraged as part of their business which generally attracted very few smokers. The Applicants had also advised that they would consider further preventative measures and were open to advice on how to reduce any nuisance in that regard.

The Sub Committee supported the suggestion that residents visit other similar premises operated by the Applicants to allay any fears they may have about the business and its operation. Members also welcomed the open and transparent manner in which the Applicants addressed the concerns of the residents and their willingness to work together, and encouraged the residents to keep this type of dialogue with the Applicants.

The Interested Parties were advised of the right of appeal against the Licensing Sub Committee's decision to the Magistrates Court within twenty one days. The residents also had the assurance that they could bring the matter back for a Review once the premises was in operation if the business did not comply with the conditions of the licence or the licensing objectives.

The meeting concluded at 1.30 p.m.