

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 28 November 2018 at 10.00 am.

PRESENT

Councillors Hugh Irving, Arwel Roberts and Melvyn Mile (Agenda Items 1 – 3)

Councillors Alan James, Arwel Roberts and Melvyn Mile (Agenda Item 4)

Observer – Councillor Alan James (Agenda Items 1 – 3)

ALSO PRESENT

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

POINT OF NOTICE

Councillor Hugh Irving left the meeting at the conclusion of agenda item 3 and was replaced in the Chair by Councillor Alan James.

1 APPOINTMENT OF CHAIR

Councillor Hugh Irving was appointed Chair for agenda item 3

Councillor Alan James was appointed Chair for agenda item 4

All parties were welcomed to the meeting and all present 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 declaration of interest had been raised.

3 LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE - THE BARRELL, 37 - 39 WATER STREET, 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 Mr. Ian Mcallister in respect of The Barrell, 37 - 39 Water Street, 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 as follows –

- *“North Wales Police have a lack of confidence in the management of the Premises to responsibly manage the premises*
- *Failure to challenge drunk customers and allowing customers to get drunk on premises and serving drunken customers*
- *Failure to manage the behaviour of customers at the premises*
- *Failure of the premises to adequately manage and control incidents of crime and disorder*
- *Evidence of an environment within the premises whereby drug taking is openly tolerated*
- *Failure to report all incidents of crime and disorder to North Wales Police*
- *North Wales Police is of the opinion that the hours for licensable activities are not suitable for the premises and that the majority of incidents occur after 00:00*
- *Failure to promote the Licensing Objectives, particularly the Prevention of Crime and Disorder, Public Safety and Public Nuisance”*

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

- (iii) there having been no further representations received from Responsible Authorities or members of the public in response to the requisite public notice of the Review Application;
- (iv) reference to the joint enforcement protocol with North Wales Police and the Council and the three stage enforcement system culminating in an application for Review of the Premises Licence;
- (v) Mr. Sean Mountford having been proposed to be the Designated Premises Supervisor at the premises following submission of the Review Application however no official application had been received in that regard and therefore Mr. David Jai Jones remained the Designated Premises Supervisor;
- (vi) 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, and
- (vii) options available to the committee when determining the Review application.

The Licensing Officer (NJ) introduced the report and outlined the facts of the case.

APPLICANT’S (NORTH WALES POLICE) SUBMISSION

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

The Police Licensing Manager highlighted the duties placed on licensed premises to promote the licensing objectives and take a proactive approach in that regard. He submitted that the incidents highlighted within the Review Application should not be classed as a normal consequence of the licensed trade or profile of the town and the action taken by the premises provided guidance on what standard of behaviour

would be tolerated. North Wales Police considered the lack of consequences to desist anti-social and criminal behaviour at the premises had resulted in such behaviour spilling outside onto Water Street with the lack of control and direction from the premises generating a culture of chaos with many incidents requiring Police presence. It was also submitted that the premises had made no attempt to alleviate concerns and the Police had put forward a number of strategies, including reducing permitted hours, with the only change implemented being a handover of the premises management to another family member. The premises had been insistent on remaining open after 12 midnight because it was their busiest time and were putting trade before promotion of the licensing objectives. Finally it was submitted that the lack of proactive action by the premises promoted the unacceptable behaviour by customers and put both the public and staff at risk.

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 Police's responsibility to ensure a safe environment for residents and visitors. With regard to the nighttime economy the focus was on prevention and early intervention which included challenging drunken behaviour and its consequences. The Chief Inspector referred to his submissions and evidence provided within the Review Application and drew attention to the following –

- he considered The Barrell to be the worst managed licensed premises he had encountered during his police service and drew attention to twenty-four incidents documented in the Review Application covering the period 3 January 2018 to 30 September 2018. The vast majority of those incidents had occurred in the early hours of the morning and involved drunken behaviour by patrons. At a meeting with Police on 24 September 2018 Ian Mcallister, who had taken over management of the premises from his son Mark Mcallister, had provided assurances as to future management. Despite those assurances there was no evidence to support any measures being taken to address issues at the premises and issues had continued to arise. The most significant incident and cause for concern documented within the Review Application occurred in the premises on 29 September 2018 and referred to the violent 'glassing' of a young female who had been left disfigured for life. The Police had not been called until almost an hour after the incident which demonstrated that despite Ian Mcallister being an experienced long standing licensee there had been no improvement in the management of the premises
- further incidents had occurred since submission of the Review Application (details of which had been circulated prior to the meeting) and he elaborated upon those for the benefit of the Licensing Sub Committee. In summary four incidents had occurred over the period 26 October 2018, 20 November 2018, 24 November 2018 and 27 November 2018 relating to threatening behaviour and assault. The latest incident had occurred in the early hours of the previous day when an assault had been reported in the premises. Those involved had been identified as drunk by Police and the suspect was removed from the area. The remaining individuals had been re-admitted to the premises after the Police had left, despite the Police advising that they be refused further service, and those individuals were later involved in another incident in the area. Whilst the Police accepted that Ian Mcallister had not been responsible for the premises until September 2018 there had been no improvement under his management

- it was reiterated that the vast majority of anti-social behaviour occurred in the early hours of the morning and in most cases the Police were not routinely called to incidents of disorder as evidenced in the Review Application. It was evidently clear that problem individuals within the premises were not asked to leave; drunken individuals were allowed to carry on drinking in the premises; a customer had openly taken drugs at the premises and when told to stop was allowed to continue drinking and the Police had not been called. Despite previous assurances to the contrary, there was evidence that Mark Mcallister was still involved with the premises – he had been seen frequenting the premises and had asked to meet with the Council with regard to the premises.

In closing his submission the Chief Inspector felt that revocation would be the most appropriate course of action in this case given the public safety concerns and crime and disorder issues associated with the premises in its current form.

In response to questions the Chief Inspector confirmed that ample opportunity had been provided to the premises management to engage with the Police and address the concerns raised. It was confirmed that the joint enforcement protocol with the Police and the Council had been followed with stage 1 and stage 2 meetings of that protocol having taken place. The Police had also met with Ian Mcallister when he took over management of the premises and a further meeting had been held with his legal representative the previous week when he had put forward a terminal hour of 1.30 a.m. However the Police did not consider the terminal hour appropriate given that the majority of incidents occurred after 12 midnight and considered the submission of a terminal hour of 1.30 a.m. to be based on financial considerations rather than addressing the issue of public safety.

PREMISES LICENCE HOLDER'S REPRESENTATION

Ian Mcallister (Premises Licence Holder) was in attendance at the meeting with his daughter and legal representative Mr. Ryan Rothwell, Linenhall Chambers.

In making his client's case Mr. Rothwell –

- submitted that it would be unjust and disproportionate to revoke the licence at this stage indicating that his client had not been given sufficient opportunity to curtail the problems evidenced at the premises. The premises had not previously been before the Licensing Sub Committee and neither had there been any previous application for review of the licence which should be a last resort, particularly given that the issues could be properly addressed by curtailing the terminal hour – in this regard he suggested 1.00 a.m. would be an appropriate time. In addition there had been no support for revocation in terms of representations received from Responsible Authorities or members of the public following public notice of the Review Application
- advised that Ian Mcallister had over thirty years of experience as a licensee and had taken control of the premises on 24 September 2018 – he had no involvement with the premises before that time when the majority of incidents had occurred and therefore it was unfair to suggest Ian Mcallister had been given ample opportunity to address the issues when he had only taken over responsibility of the premises for approximately two months, particularly

considering that his son Mark Mcallister had been given a period of ten months prior to Ian Mcallister taking over management

- agreed with the Police, to an extent, that the social profile of the town and the fact that such incidents were part and parcel of that did not mean they should be tolerated and the premises should act to sort out the problems in the premises. However Rhyl as a town did have problems with late night drinking and incidents naturally occurred in that environment and although there was a campaign to address that there was much work to do and in reality closing the premises completely would not assist that aim
- disputed the claims that the management had not co-operated with the Police and it was Ian McAllister's view that the Police had stopped co-operating with him. Ian Mcallister had instigated a number of measures as follows –
 - CCTV – a number of cameras had not been working and there were now 16 fully operational cameras at the premises with footage retained for an appropriate period and in some cases CCTV footage had been provided and assistance given to the Police in that regard by the premises management
 - various staff had been dismissed and replaced, confirming that the employee who had witnessed drug use on the premises and had failed to act had been fired, and employees had received training. To help deal with the specific issues raised by the Police, Ian Mcallister had undertaken a number of training courses and submitted training certificates in evidence (at the meeting) in relation to Age Verification; Underage Sales Prevention; Drugs Awareness together with an e-learning course covering alcohol and its effects, the law surrounding the retail of alcohol, protection of children, social responsibility and dealing with alcohol related crime
 - Door Staff – with regard to the incident in August 2018 involving a door staff member not assisting in breaking up a fight, it was submitted that a temporary door supervisor was on duty at that time provided by an agency and that the permanent door supervisor did deal with matters appropriately.
- it was submitted that numerous changes had occurred in recent times since the change of management and he suggested that the premises operate with curtailed hours for a three month trial period as opposed to revocation
- there had been a clear appreciation by Ian Mcallister that changes needed to be made however at a meeting with the Police the previous week the instructing solicitor advised that the Chief Inspector had not been open to negotiation in terms of curtailing the terminal hour and considered the licence should be revoked given that the premises had been afforded ample opportunity to address areas of concern – Ian Mcallister had only been given two months
- referred to the circumstances of the incident (glassing) which had taken place after Ian Mcallister had taken over management of the premises on 29 September 2018 as referenced in the Police evidence advising that there had been an acting DPS employed for a trial period during that incident and the premises management did not condone his actions in responding to that incident
- in response to the additional incidents at the premises since submission of the Review Application (circulated prior to the meeting) he advised –
 - 26 October 2018 – it was unfortunate that Mark Mcallister had been at the premises. Assurances were provided that Mark Mcallister no longer had any involvement and had been barred from the premises; staff had been

- instructed to robustly enforce that ban. The incident had occurred at 11.05 a.m. and there had been no door staff present to eject him from the premises
- 20 November 2018 – the initial attempted assault was immediately dealt with by door staff and the individual concerned was ejected from the premises; the further assault outside the premises had been reported to the Police and the premises had co-operated with Police and provided CCTV footage to assist. The incident occurred after 1.00 a.m. at 1.48 a.m.
 - 24 November 2018 – incident occurred at 1.27 a.m. and it was difficult to appreciate anything the premises could have done given that it involved someone not connected to the premises who had been passing outside. The incident had been reported to Police and the premises had co-operated with the Police
 - 27 November 2018 – the incident had been dealt with immediately and involved an individual entering the premises and assaulting a family who had been in the premises for a couple of hours. The assailant was ejected from the premises and the family permitted to stay because they were not at fault.

In closing his submission Mr. Rothwell highlighted the timings of the incidents referred to by the Police which generally occurred later than 1.00 a.m. and therefore it was submitted that a temporary 1.00 a.m. terminal hour on a three month trial basis was proportionate, particularly given the later opening times of other licensed premises in the area, and would provide an opportunity for Ian Mcallister to demonstrate that he could address the issues of concern. The suggestion of a 1.00 a.m. terminal hour was pragmatic as it was considered that it would give the same result as a 12 midnight closure given the timings of the previous incidents but an earlier terminal hour would result in the premises not being viable and would effectively result in closure of the premises.

Mr. Rothwell and Mr. Mcallister clarified issues and responded to members' questions as follows –

- there was one full time door supervisor employed at the premises and cover was provided. Previously a door supervisor was on duty from 11.00 p.m. but since Ian Mcallister had taken over a door supervisor was on duty from 9.00 p.m. with two door supervisors on duty from approximately 10.30 – 11.30 p.m. at peak times – it was noted that the ratio for door staff was 1:100 patrons and the premises was only licensed for 100 persons
- clarified the permitted hours of operation of the premises which had been detailed within the Premises Licence (Appendix A to the report) from 7.00 a.m. to 3.00 a.m. to cater for special sporting occasions. The premises previously opened at 8.00 a.m. but following Police advice it now opened at 11.00 a.m. in line with the normal opening hours as specified within the Premises Licence
- a number of members of staff had been replaced with a more mature and experienced workforce and the position of DPS was clarified – the current DPS David Jai Jones had undertaken that role near the end of Mark Mcallister's involvement in managing the premises. At the time of the glassing incident on 29 September 2018 David Jai Jones had been registered DPS but an acting DPS had effectively been on duty fulfilling that role on a trial basis – no application had been received to change the DPS because the acting DPS had not been considered suitable

- assurances were provided that when he had taken over as management Ian Mcallister had instigated all actions immediately as requested by the Council, including with regard to CCTV, door supervisors and training. Ian Mcallister had been appalled that the Police had not been called immediately with regard to the serious incident on 29 September 2019 and had since instructed staff to report all incidents to Police immediately which was actively being undertaken
- elaborated upon Ian Mcallister's extensive experience with thirty years in the trade confirming his qualifications as a landlord. He had undertaken further training in areas identified by Police to provide further assurance in that regard.

APPLICANT'S (NORTH WALES POLICE) FINAL STATEMENT

Chief Inspector Andrew Williams responded to comments made as follows –

- regarding the meeting with Ian Mcallister's legal representative the previous week he advised that his position had been inaccurately portrayed. The legal representative had been invited to put forward proposals and he had confirmed that he had not been prepared to accept the proposed terminal hour of 1.30 a.m. and would prefer to put the matter before the Licensing Sub Committee
- the reference that Mark Mcallister had been barred from the premises was questionable given that he was the son of the licensee and had been captured on CCTV in recent times and identified as going in and out of the premises; it was also understood that Mark Mcallister had contacted the Council with regard to a meeting about the premises
- the Police had spoken with the acting DPS after the glassing incident on 29 September 2019 and it was confirmed that David Jai Jones remained DPS. The acting DPS had requested Police be called and advised that he wanted nothing further to do with the premises
- regarding the notion that all incidents occurred after 1.00 a.m. an incident had just occurred at 12.31 a.m. midweek on 27 November 2019. After 12 midnight a significant amount of alcohol would have been consumed. There had been drunken people fighting in the premises and having remained there with appropriate steps not being taken to tackle the issue.

In his final statement the Chief Inspector reiterated that the premises should do everything it could to address violent behaviour which had not happened in this case. As recently as 27 November 2018 there had been an issue with a group of drunken youths who had been re-admitted to the premises to continue drinking despite the Police requesting that those individuals be refused service – recent evidence that the premises was not effectively dealing with problems. [Mr. Rothwell pointed out that the incident log stated "intoxication – not known fully as persons are not known" and therefore it was not known whether the individuals were intoxicated. The Chief Inspector advised that the Police Officer who had attended the incident had confirmed that the individuals were drunk.]

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (11.00 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the Premises Licence be revoked.

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

Having carefully considered all of the submissions in respect of the application for a Review of the Premises Licence for The Barrell brought by North Wales Police the Licensing Sub Committee found the following –

1. There had been a fundamental breakdown in the way the premises had been run over a number of recent months.
2. The Police had demonstrated a pattern of incidents at the premises which were worrying to say the least, and which flew in the face of three of the licensing objectives.
 - There was crime and disorder within the premises and in the immediate vicinity on a number of occasions (cctv footage)
 - There was public nuisance in the premises and in the immediate vicinity at all hours of the early morning
 - Public safety was seriously affected by the incidents of violence in and around the premises
3. None of the incidents had been denied or mitigated in any way by the management of the premises.
4. Notwithstanding the fact that Ian Mcallister had recently taken over the running of the premises, there had still been violent incidents as recently as Monday/Tuesday of this week.
5. Drunken people had still been allowed to re-enter the premises after an altercation, notwithstanding the fact that the police had advised the premises that those patrons ought to be going home. That demonstrated that the premises had little regard to the advice from the Police and failed to recognise the impact of continuing to serve persons who were already heavily intoxicated.
6. The Licensing Sub Committee felt that the public were in immediate danger to their own safety if the premises continued to operate.
7. Whilst it was accepted that Rhyl had a myriad of social problems that was in no way mitigation for the behaviours which were allowed to perpetuate in and around these premises.
8. The premises had failed to demonstrate sufficient actions which would give confidence to the Licensing Sub Committee

- a. They were not amenable to a curtailment of the hours of operation to 12 midnight (even when it was demonstrated that most of the incidents occurred past 12am).
- b. They had failed to provide sufficient, adequate and effective door staff
- c. They had failed to cooperate with the Police in relation to the reporting of incidents

Whilst it was recognised that the new management had taken some steps since taking over the premises, these had not had the desired impact and serious incidents had continued to take place. Of particular note was the serious glassing incident of a female in the premises. In essence it had been too little too late.

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 - ORIGIN, 168 HIGH STREET, PRESTATYN

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

- (i) an application having been received from Mr Michael Kenneth Watts for a new Premises Licence in respect of Origin, 168 High Street, Prestatyn proposing to operate as a bar with quiet background music with the sale of alcohol offered for consumption both 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
Recorded Music (Indoors) Non-Standard Timings Seasonal Variations	Sunday – Thursday	12:00	23:00
	Friday & Saturday	12:00	01:00
	Bank Holiday Sundays	12:00	00:00
	New Year's Eve	11:00	02:00
	Christmas Eve	11:00	01:00
Supply of Alcohol (for consumption on and off the premises)	Sunday – Thursday	12:00	23:00
	Friday & Saturday	12:00	01:00
	Bank Holiday Sundays	12:00	00:00
	New Year's Eve	11:00	02:00
	Christmas Eve	11:00	01:00
Hours that the premises would be open to the public	As those requested for licensable activities		

- (iii) 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 and protection of children from harm licensing objectives (Appendix B to the report);

- (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 in order to assist in the prevention of public nuisance;
- (v) one written representation from an Interested Party (Appendix D to the report) having been received in response to the public notice relating to possible disturbance from noise and anti-social behaviour;
- (vi) officers having commenced mediation between the Applicant and the Interested Party with no resolution having been reached to date;
- (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 (NJ) introduced the report and outlined the facts of the case. Whilst an agreement had been reached with the North Wales Police and Council's Pollution Control Section in terms of conditions to be imposed on the licence to address concerns and promote the licensing objectives, no resolution had been reached following mediation with the Interested Party.

APPLICANT'S SUBMISSION

The Applicant, Mr. Michael Watts was in attendance in support of his application.

Mr. Watts explained that he had applied for a music licence in order to play recorded background music only and the intention was to create an environment for conversation and socialising aimed at a more mature clientele. [The Licensing Officer clarified that recorded background music was not a regulated activity which required licensing.]

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.

ENVIRONMENTAL HEALTH SUBMISSION

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

spoken to the Applicant with regard to the planning process and requested that suitable noise barriers be installed at the premises. Given those additional measures Mr. Caldwell advised that he had no objection to the application, particularly if it was limited to background music only.

INTERESTED PARTIES SUBMISSION

One written representation had been received (Appendix D to the report) from Interested Party, Miss. P.E. Stevens of High Street, Prestatyn. Miss. Stevens had indicated that she would not be attending the meeting and was content for the hearing to proceed in her absence with her written representation being taken into account as part of that process. Her representation was subsequently read aloud to the Licensing Sub Committee and raised concerns regarding potential noise nuisance and anti-social behaviour.

The Applicant responded to members' questions as follows –

- the intention was to cater for a mature clientele, as opposed to the younger generation, which may give some comfort to the Interested Party who had raised concerns regarding anti-social behaviour arising from the premises
- there was no specific parking for patrons however if patrons were drinking they should not be driving in any event and similar licensed premises in the area did not provide parking for customers
- confirmed that he operated another licensed premises in Abergele and all staff had been appropriately trained in alcohol sales
- remodeling/refurbishment works were required at the premises which had been closed for approximately eight years and it was anticipated that the premises would be ready to open around Easter 2019.

APPLICANT'S FINAL STATEMENT

In making a final statement Mr. Watts reiterated his intention to open a gin bar aimed at a more mature clientele with the provision of background music at a level to allow for conversation.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (11.55 a.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>Recorded Music (Indoors)</i>	<i>Sunday – Thursday</i>	<i>12:00 – 23:00</i>
	<i>Friday & Saturday</i>	<i>12:00 – 01:00</i>
<i>Non-Standard Timings</i>	<i>Bank Holiday Sundays</i>	<i>12:00 – 00:00</i>

<i>Seasonal Variations</i>	<i>New Year's Eve</i> <i>Christmas Eve</i>	<i>11:00 – 02:00</i> <i>11:00 – 01:00</i>
<i>Supply of alcohol (for consumption on and off the premises)</i>	<i>Sunday – Thursday</i> <i>Friday & Saturday</i> <i>Bank Holiday Sundays</i> <i>New Year's Eve</i> <i>Christmas Eve</i>	<i>12:00 – 23:00</i> <i>12:00 – 01:00</i> <i>12:00 – 00:00</i> <i>11:00 – 02:00</i> <i>11:00 – 01:00</i>
<i>Hours premises are open to the public</i>	<i>As those requested for licensable activities</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) 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, ambulance or fire service assistance to the premises.
 - g) Any ejection from the premises.
 - h) Any first aid/other care given to a customer.
- 6) 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
- 7) 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.
- 8) On every Friday and Saturday night, all Bank Holidays, Christmas Eve and New Year's Eve a minimum of one SIA registered door staff will be employed from 21:00 hrs until such time as the premises close for business and all customers have vacated the premises. These persons will be employed solely in the management of the entry and exit of customers and the maintenance of order at the premises.

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.*

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

- 1) *All windows and doors shall be secondary double glazed or better, to minimise break-out of noise*
- 2) *All entrances and exits, excluding Fire Exits, shall have lobby entrances fitted, each with 2 sets of self-closing doors, to minimise the break-out of noise; both sets of doors will remain closed other than for access and egress whenever regulated entertainment is being played at a level considered to be above 'background'*
- 3) *All doors and windows shall be kept closed whenever music is being played at a level considered to be above 'background' to minimise the break-out of noise*
- 4) *Noise limiters shall be fitted to amplification equipment and be set at a level agreed with Denbighshire County Council Pollution Control Officers. Limiters shall be used at all times amplified equipment is being used for regulated entertainment*
- 5) *If additional ventilation is required, the premises shall be fitted with acoustically treated ventilation / air conditioning to avoid the need to open doors and windows whenever music is being played at a level considered to be above 'background'*
- 6) *The playing of live / recorded music externally is not permitted*
- 7) *The smoking area shall be closed to the public for the consumption of alcohol before 09:00 hrs and after 23:00 hrs*
- 8) *The placing of bottles into 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*
- 9) *Prominent, clear and legible notices shall be displayed at all exists requesting patrons to respect the needs of local residents and to leave the premises and the area quietly*

10)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 residents.

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

Members had carefully considered the application and representations submitted in this case and were satisfied that the proposed agreed conditions with both the Police and Council's Pollution Control Section were proportionate and would aid in the promotion of the licensing objectives. The Licensing Sub Committee noted the concerns of the Interested Party. The Licensing Sub Committee noted that it was the intention of the Applicant to only play background music and that this was not a regulated activity. In the event that the Premises were to play music which fell into the realms of it being a regulated activity they were satisfied that the conditions agreed between the Applicant and the Council's Pollution Control Section would address any noise concerns raised by the Interested Parties in that regard.

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

The meeting concluded at 12.05 p.m.