

To: Members of the Licensing Sub
Committee

Date: 5 July 2019

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Dear Councillor

You are invited to attend a meeting of the **LICENSING SUB COMMITTEE** to be held at **11.00 am** on **MONDAY, 15 JULY 2019** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APPOINTMENT OF CHAIR

To appoint a Chair for the meeting.

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in the business identified to be considered at this meeting.

APPLICATION FOR CONSIDERATION -

3 LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE - CORWEN SHEARS, RHUG ESTATE FARM SHED, RHUG ESTATE, CORWEN (Pages 5 - 52)

To consider an application for a new Premises Licence submitted in accordance with Section 17 of the Licensing Act 2003 in respect of Corwen Shears, Rhug Estate Farm Shed, Rhug Estate, Corwen (an outline of the submission and associated papers are attached).

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

MEMBERSHIP

Councillors

Hugh Irving
Alan James

Brian Jones

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LICENSING SUB COMMITTEE

PROCEDURE FOR APPLICATIONS MADE UNDER THE LICENSING ACT 2003

Step	Description
1.	Chair of the Licensing Sub Committee, opens the Hearing and welcomes everyone present. Introduces Colleagues on Sub Committee and Officers Present.
2.	Chair invites Licensing Officer to introduce the Application
3.	Chair invites the Applicant (or the Appointed Representative) to present the Application.
4.	Chair invites any Responsible Authorities (E.g. Police, Fire Service) to present their representations.
5.	Chair invites Members of the Licensing Sub Committee to ask questions of the Applicant or the Responsible Authorities.
6.	Chair invites Interested Parties to present their representations.
7.	Chair invites Members of the Licensing Sub Committee to ask questions of the Interested Parties and to clarify any points with the Applicant.
8.	Chair invites the Applicant (or Appointed Representative) to make a final statement.
9.	Licensing Sub Committee Members will adjourn to consider their decision, accompanied by the Clerk to the Hearing and the Legal Advisor.
10.	Licensing Sub Committee members return with their decision on the Application, supported by reasons.

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REPORT TO:	Licensing Sub Committee
DATE:	15 July 2019
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706451 licensing@denbighshire.gov.uk
SUBJECT:	Licensing Act 2003 Application for Premises Licence – Corwen Shears, Rhug Estate, Corwen

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Authority has received an application for a new Premises Licence, submitted in accordance with Section 17 of the Licensing Act 2003 in respect of Corwen Shears, Rhug Estate Farm Shed, Rhug Estate Corwen LL21 0EH. As a consequence of the necessary consultation and required Public Notice, the Licensing Authority has received relevant representations that oppose the Application. The Sub-Committee is required to determine the application, taking into account all relevant facts/evidence.

2. EXECUTIVE SUMMARY

- 2.1 This is an application for a new Premises Licence. The representations received relate to the “Protection of Children from Harm” and “Public Safety” objectives of the Licensing Act.
- 2.2 Members are reminded that any decision must be made in accordance with (i) the Council’s Statement of Licensing Policy and, (ii) Guidance issued by the Secretary of State.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.
- 2.4 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so, and should provide reason(s) for any decision taken,

or where they might consider departing in any way from the Protocol, Policy or Guidance.

3.0 RECOMMENDATIONS

3.1 Decision of the Sub-Committee

The Sub-Committee must, having regard to the representations made, take such steps (below) as it considers necessary for the promotion of the licensing objectives. The Sub-Committee can:

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

4.0 BACKGROUND INFORMATION

4.1 On 23rd May 2019, the Licensing Authority received a fully completed application for a new Premises Licence. The application has been submitted in respect of Corwen Shears, an annual event that takes place on the Rhug Estate, Corwen on the last weekend in July. A full copy of the application can be examined at Appendix A.

4.2 The Applicant has requested authorisation to provide licensable activities as follows:

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Provision of Live Music (indoors)	Friday Saturday - Sunday	12:00 12:00	Midnight 01:00
Provision of Recorded Music (Indoors)	Saturday - Sunday	22:00	01:00
Supply of Alcohol (on the Premises)	Friday Saturday - Sunday	12:00 12:00	Midnight 01:00
Provision of Late Night Refreshment (Indoors)	Saturday	23:00	Midnight
Hours Premises are open to the Public	Friday Saturday - Sunday	12:00 12:00	Midnight 01:00

4.3 Licensing Act 2003 –information/requirements

When an application is submitted for a premises licence, a full copy must

be provided to each of the Responsible Authorities, that is:

- Police
- Fire
- Planning
- Trading Standards
- Environmental Health
- Health and Safety
- Children's Services
- Health Authority
- Licensing Authority
- Immigration Office

4.4 Public Notice

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

4.5 Relevant Representations

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

4.5.1 North Wales Police have submitted representations to the application following concerns raised by officers who recently visited a similar event for which the Applicant was also the organiser, Premises Licence Holder and Designated Premises Supervisor. The event in question catered for a similar demographic and officers reported a number of incidents that they felt impacted on the promotion of the licensing objectives, in particular the Protection of Children from Harm and Public Safety.

4.5.2 The written representation can be examined at Appendix B, along with the supporting statements provided by the attending officers.

4.6. Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives.

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

- Public Safety Sections **2.7 to 2.14**
- Protection of Children from Harm **Sections 2.22 to 2.32**

4.6.2 Statement of Licensing Policy

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

- Public Safety **Section 3.2**
- Protection of Children from Harm **Section 3.4**
-

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

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

5.0 OFFICERS COMMENTS

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

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

5.3 Given the concerns raised by the objectors, Members will wish to ask pertinent questions of the Applicant (or their representative) to ensure that they intend to employ appropriate methods to promote the licensing objectives.

6.0 SUMMARY

6.1 Members should take into full account Guidance and the Council's Statement of Licensing Policy, with particular reference to those areas highlighted in this report. Members are reminded that they should only deviate from the Policy when there is good evidence/reason to do so.

6.2 Members will be required to determine whether the representations submitted are relevant and appropriate to meet the licensing objectives.

6.3 In view of the representations received from the Interested Parties and North Wales Police, Members will wish to give careful consideration to this Application.

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