

To: Members of the Licensing Sub
Committee

Date: 16 December 2019

Direct Dial: 01824 712568

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING SUB COMMITTEE** to be held at **11.00 am** on **FRIDAY, 20 DECEMBER 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: SUBMISSION OF A TEMPORARY EVENT NOTICE - SIX BELLS, CRESCENT ROAD, RHYL (Pages 5 - 36)

To consider the submission of a Temporary Event Notice in accordance with the Licensing Act 2003 in respect of Six Bells, 32 Crescent Road, Rhyl LL18 1TF (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
Brian Jones

Huw Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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.

This page is intentionally left blank

REPORT TO:	Licensing Sub Committee
DATE:	20th December 2019
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer (Technical) licensing@denbighshire.gov.uk 01824 706451 licensing@denbighshire.gov.uk
SUBJECT:	Police Objection to Temporary Event Notice Six Bells, 32 Crescent Road, Rhyl LL18 1TF

1.0 PURPOSE OF THE REPORT

- 1.1 Members are requested to consider an application for a Temporary Event Notice (TEN) (Appendix 1) submitted to the Licensing Authority by Sheryl Elaine Knapper in respect of an event to be held at Six Bells, 32 Crescent Road, Rhyl.
- 1.2 North Wales Police have submitted an objection under the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives of the Licensing Act 2003 and the Sub-Committee is therefore required to consider this objection, taking into account all relevant facts/evidence.

2.0 BACKGROUND INFORMATION

- 2.1 A Temporary Event Notice authorises an individual to use a premises for one or more licensable activities. The person wishing to hold the event, "the premises user", must give the prescribed Notice to the Local Authority, Environmental Health Authority and Police; with the Police and Environmental Health Authority reserving the right to object to the Temporary Event Notice if they are satisfied that one or more of the licensing objectives of the Licensing Act would be undermined by allowing the premises to be used in accordance with the Notice.
- 2.2 Temporary Event Notices must be served on the responsible authorities listed above at least 10 clear working days before a proposed event. There are no public advertising requirements for temporary event notices and "other persons" (including local residents and businesses) are not entitled to raise representations for this type of licensing process.

2.3 Due to the temporary nature of events permitted by a TEN, such notices can only be served when the event does not exceed 168 hours and the number of persons at the venue will not exceed 499. TENS are limited to 15 per calendar year and the total number of TENS cannot exceed 21 days.

2.4 The Police and local Environmental Health Authority have powers to object to a TEN where they are satisfied that allowing the premises to be used in accordance with the notice would undermine one of the four licensing objectives. The four licensing objectives being:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

2.5 The premises has an existing Premises Licence PL(A)0181. This temporary event notice has been submitted to permit the premises to extend their operating hours from Midnight on 31st December 2019 to 02:30 on 1st January 2020. Ordinarily, the premises would only be in operation until Midnight on a Tuesday.

2.6 The Applicant has stated that the licensable activities will consist of:

- the sale by retail of alcohol (both on and off the premises);
- the provision of regulated entertainment, and
- the provision of late night refreshment

2.7 North Wales Police have submitted an Objection Notice under Section 104(2) of the Licensing Act 2003 in response to the Temporary Event Notice, as they are not satisfied that the proposed event will not undermine the prevention of Crime and Disorder and the Prevention of Public Nuisance objectives. A copy of the Objection Notice can be found at Appendix 2.

3.0 OFFICER COMMENTS / OBSERVATIONS

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

- 3.1 Given the concerns raised by North Wales Police, Members will wish to ask pertinent questions of the Applicant (or their representatives) to establish how they intend to employ appropriate methods to promote the licensing objectives.
- 3.2 Members are reminded that conditions may be imposed on the TEN provided those conditions are already attached to the existing Premises Licence, a copy of which is attached at Appendix 3.
- 3.3 Members should take into full account statutory guidance and the Council's Statement of Licensing Policy; Members are reminded that they should only deviate from the Policy when there is good evidence/reason to do so.
- 3.4 Members may only consider matters that are linked to one or more of the licensing objectives. Any points raised which are not linked to one or more of the licensing objectives cannot be considered
- 3.5 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 Policy or Guidance.
- 3.6 Members will be required to determine whether, by allowing this Temporary Event Notice as applied for, it would promote the statutory licensing objectives in particular the prevention of crime and disorder and the prevention of public nuisance.
- 3.7 Should Members be minded to agree that allowing the Temporary Event Notice would undermine the prevention of crime and disorder and/or the prevention of public nuisance objectives, they must issue a Counter Notice, along with a Notice giving the reasons for the decision to both the premises user and the police.
- 3.8 If Members decide to allow the event to go ahead, they must issue a Notice giving the reasons for the decision to both the police and the premises user.

4.0 RECOMMENDATIONS

4.1 Decision of the Sub-Committee

The Sub-Committee must, having regard to the Objection Notice, take such steps (below) as it considers necessary for the promotion of the licensing objectives of the Licensing Act 2003. The Sub-Committee can:

- Issue a Counter Notice if it is considered necessary to do so for the promotion of the crime prevention objective, or
- Allow the Temporary Event Notice
- Modify the notice, with respect to hours or activities

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank