

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in the Council Chamber, County Hall, Ruthin on Friday, 1 December 2023 at 10.00 am.

PRESENT

Councillors Bobby Feeley, Hugh Irving and Delyth Jones

ALSO PRESENT

Legal Adviser (CL), Public Protection and Business Manager (IM), Senior Licensing Officer (NJ), Licensing Officer (ES) and Senior Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Bobby Feeley 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 declaration of interests had been raised.

3 LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE - DEUTCH'S BAR, 39 WELLINGTON ROAD, RHYL

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

- (i) an application having been received from Mr. Gary Longworth for a new Premises Licence in respect of Deutch's Bar, 39 Wellington Road, Rhyl proposing the provision of live music (Indoors only) together with the provision of recorded music (Indoors only), provision of anything similar to live music, recorded music or performances of dance (Indoors only), and the sale of alcohol for consumption both on and off the premises (Appendix A to the report);
- (ii) the application having originally been submitted on 19 September 2023 but due to an oversight on the Applicant's part the requisite public notice was not placed in a local publication within the statutory timeframe and the application having been resubmitted on 12 October 2023;
- (iii) the applicant having requested authorisation for provision of the following –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
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Supply of alcohol (for consumption off the premises)*	Monday – Friday Saturday – Sunday and bank holidays	14:00	23:40
Supply of alcohol (for consumption on the premises)*	Monday – Sunday	18:00	23:40
Provision of Live Music (Indoors)	Monday – Sunday	10:00	00:00
Provision of Recorded Music (Indoors)	Monday – Sunday	10:00	00:00
Provision of anything similar to Live Music, Recorded Music or Performances of Dance (Indoors)	Monday – Sunday	10:00	00:00
Hours Premises are open to the Public	Monday – Sunday	10:00	00:00

*Amended hours offered as part of mediation [original proposed hours for alcohol sales were from 10:00 hrs daily; the Applicant having reconsidered the alcohol hours in light of the representations received.]

- (iv) thirteen written representations having originally been received from Other Persons in response to the requisite public notice but one representation having since been withdrawn following mediation. Remaining representations related mainly to possible disturbance from noise and anti-social behaviour (Appendix B to the report);
- (v) the Applicant having engaged with the North Wales Police and the Council's Environmental Health Section and agreed to include a number of conditions as part of the resubmitted application (Appendix C to the report) which would form part of the Operating Schedule should the application be granted;
- (vi) the North Wales Police having also submitted a representation in support of the application (Appendix D to the report);
- (vii) mediation having been offered to all parties considering the representations received with no formal agreement having been reached. As part of mediation the Applicant had offered to amend the application relating to alcohol hours and submitted a response to all Other Persons who submitted representations with a hope to address some of the concerns raised (Appendix E to the report);
- (viii) the need to consider the application taking due account of Guidance and the Council's Statement of Licensing Policy; other relevant legislation and relevant representations received, and
- (ix) the options available to the Sub Committee when determining the application.

The Senior Licensing Officer summarised the report and facts of the case.

APPLICANT'S SUBMISSION

The Applicant, Mr. Gary Longworth was in attendance in support of the application.

Mr. Longworth explained the reasoning behind his application and intention to operate a gallery and music bar, to provide a venue to display his father's paintings, and to showcase local talent for free, through art and music. Having recently moved back to the area he referred to his search for a suitable venue for this purpose, providing sufficient wall space to showcase his father's paintings and those of other aspiring artists, and to provide the opportunity to showcase local talent through poetry and music, with the stage open to anyone for free. The operation of a bar was required to support the creative art side of the business, to make the venue viable, with the intention to create a safe and responsible place to drink.

Most objections to the application related to the potential impact on the Salvation Army and associated services operated from the Community Centre in Windsor Street, Rhyl which was situated directly behind the premises. Mr. Longworth commended the work of the Salvation Army and stated that he would not have proceeded with his plans for the venue if he thought it would cause a detrimental impact on that work. He referred to attempts to engage with the Salvation Army regarding his plans, advising that he had not proceeded with his original intention for a sealed smoking shelter because the Salvation Army had objected to it. He had tried to engage and mediate with the Salvation Army on a number of occasions with a view to addressing areas of concern to no avail; he had since written to the Salvation Army regarding his intentions for the venue and steps taken to address areas of concern. Further details of Mr. Longworth's response to address concerns had been detailed in Appendix E to the report.

Mr. Longworth reported that he had originally proposed opening hours of 10am to accommodate occasional events but had anticipated usual opening hours from 12 noon. However, given the objections he had amended the opening hours to 2pm with no off sales of alcohol until 6pm. He could not agree to operate an alcohol-free bar or to open from 6pm because the venue would not be viable. Mr. Longworth also disagreed with the reasoning that his venue would detrimentally impact vulnerable individuals/service users due to its proximity to the Salvation Army, particularly given the number of bars and off-licences in the vicinity and their extended opening hours. Due to the lack of engagement, he had recently discovered that alcohol services only operated on two days; had he known that earlier he would have amended his opening hours only for those specific days. In closing, Mr. Longworth reiterated his support for the Salvation Army and hope for a good working relationship going forward.

NORTH WALES POLICE SUBMISSION

PC Simon Keeting from the North Wales Police had submitted written representations in support of the application (Appendix D to the report).

PC Keeting concurred with Mr. Longworth's submission and had been saddened that he had amended his proposed opening hours to appease objectors when there were many licensed premises in the area with longer opening hours, including

newsagents with an off-licence open from 6am, where most of those with alcohol additions would purchase alcohol. He felt it was to the Applicant's credit that he had taken such action to address the concerns raised.

PC Keeting and his Inspector had met with Mr. Longworth to discuss his intentions for the venue, and he had no issue with it. They had also discussed ideas to work with community groups and bring them into the venue. PC Keeting explained his role as Partnership Officer and his work with the Salvation Army; as a dry organisation the Salvation Army considered it was right to submit representations, and he was hopeful that if the licence was granted, they would work with the Applicant. PC Keeting felt the Applicant was genuine in his intentions and engaged well with the Police and that the venue would be safe and responsibly managed.

Members put questions to Mr. Longworth, including matters of concern raised within the representations received from other persons, who responded as follows –

- whilst he had worked in a bar in his youth, he had little experience of operating a bar and had been taking advice in that regard to ensure its success; his initial intention was to employ one or two members of staff
- confirmed his intention for open mic/local talent both from newcomers and established bands; he was a keen musician himself and would play the guitar
- steps had already been taken to address noise concerns with wall acoustic insulated plasterboard and future works to include acoustic ceiling insulation and speaker positioning; he would be personally responsible for monitoring noise and provided assurances that an appropriate limit would be set
- the capacity of the premises would be between 60 – 100 persons
- illustrated on the plan (previously circulated) the car park area at the rear of the premises advising that he owned an area of approximately 3/4 metres squared which he intended to use to park his vehicle and potentially house a locked bin secured to the wall; there was a fire exit at the rear of the premises which would not be used by customers as a means of access/egress to the premises
- all licensable activity was to be contained within the premises and further assurances were given that there was no proposed use for the rear of the premises, i.e., no beer garden/sitting areas, no smoking area, no entry/exit, no music, signage or bright lights to tempt anyone into the premises
- the premises had been purchased as an empty shop with a significant amount of money having already been spent on its renovation which had since been stopped pending the outcome of the licence application.

PUBLIC REPRESENTATIONS FROM OTHER PERSONS

Twelve written representations had been received (Appendix B to the report) from Other Persons relating mainly to noise nuisance and anti-social behaviour. In the absence of the twelve Other Persons their representations were taken as read.

APPLICANT'S FINAL STATEMENT

In making his final statement, the Applicant reiterated that he supported the work of the Salvation Army and would not do anything to undermine or jeopardise it. If members were minded to grant the application, he would continue to try and work

with the Salvation Army going forward. In his written representations he had attempted to allay the concerns raised, confirming there was no intention for a beer garden or use of the rear of the premises by customers. The reference to beer cans and needles in the car park area could not be attributed to his premises which was not even open or operating and beyond his control. Finally, he reiterated the intention for a venue to display his father's paintings and showcase local talent in the area for the benefit of Rhyl.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (10.40 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that a Premises Licence be granted for the amended hours as set out in the Senior Licensing Officer's report and subject to the conditions set out in the Operating Schedule.

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

Members had carefully considered the application and representations submitted in this case and were satisfied that the conditions set out in the Operating Schedule and those agreed with North Wales Police and the Council's Environmental Health Section were proportionate and would promote the licensing objectives. In terms of the written representations the objectors had not attended the meeting and so the Sub Committee could only take their written representations at face value. Members had been reassured by the Applicant's explanation of steps taken to address the concerns raised in the representations and how he proposed to manage the premises. The Sub Committee was also reassured by the fact that PC Simon Keeting had supported the application. The Sub Committee was satisfied that the conditions as detailed within the application and to be attached to the licence would suffice in promotion of the licensing objectives. The amended hours were granted following the Applicant's proposal in response to concerns expressed by the representations.

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 11.25 am.