



<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	18 <sup>th</sup> November 2015
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Technical Officer (Licensing) 01824 706451 licensing@denbighshire.gov.uk
<b>SUBJECT:</b>	<b>Licensing Act 2003</b> <b>Application for Premises Licence</b> <b>THE WELLINGTON, 34 Wellington</b> <b>Road, Rhyl</b>

**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 The Wellington (formerly The Liverpool Arms) 34 Wellington Road, Rhyl. 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 all four of the Licensing Objectives:
- the Prevention of Crime and Disorder
  - Public Safety
  - Protection of Children from Harm
  - Prevention of Public Nuisance.
- 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. 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 2nd September 2015, the Licensing Authority received a fully completed Application for a new Premises Licence. The Application has been submitted by Mr. Sean Donnelly.

4.2 The premises previously had the benefit of a Premises Licence for the sale of alcohol and regulated entertainment but was surrendered by the previous licence holder in 2011.

4.3 The Applicant has requested authorisation to provide the following licensable activities:

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
Indoor Sporting Events (Darts/Pool/Dominoes)	Mon-Thurs	10:00	00:00
	Fri- Sat	10:00	01:30
	Sun	11:00	00:30
Live Music (indoors only)	Mon – Thurs	17:00	00:00
	Fri – Sat	12:00	01:30
	Sun	11:00	12:30

	New Year's Eve		02:00
Recorded Music (indoors only)	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 12:30 02:00
Performance of Dance (Indoors)	Fri – Sat Sun New Year's Eve	12:00 11:00 10:00	01:30 12:30 02:00
Entertainment of a similar description to live music, recorded music or performance of dance (Indoors)	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 12:30 02:00
Supply of Alcohol (for consumption ON and OFF the premises )	Mon – Thurs Fri – Sat Sun New Year's Eve	10:00 10:00 11:00 10:00	00:00 01:30 00:30 02:00

4.4 The applicant states that the premises is proposing to trade as a public house.

4.5 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

4.6 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.

#### 4.7.1 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:

4.6.2 North Wales Police have submitted representations to the Application. However, after discussions with the Applicant, a number of conditions designed to further promote the licensing objectives have been drawn up and on this basis, North Wales Police will request that, should Members be minded to grant the application, they consider incorporating these conditions within the premises' Operating Schedule. Members may examine the conditions at Appendix A (**restricted document**) to this report.

4.6.3 Two written representation have been received from Interested Parties in response to the public notice. The representations related primarily to possible disturbance from noise and anti-social behaviour and have been attached at Appendix B (**restricted document**) to this report.

4.6.4 Throughout the application process, the Applicant has indicated their willingness to mediate with responsible authorities and interested Parties.

4.6.5 It is important that Members note when suggesting the option of mediation or negotiation to interested parties and applicants, officers are careful to emphasise that members of the public should not feel obligated to take part in mediation. Likewise, applicants should not feel pressurised to accept changes to their operating schedule if they feel it more appropriate for the application to be determined by Members.

#### 4.7 Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives.

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

- Crime and Disorder **Section 2.1 to 2.7**
- Protection of Children from Harm **Section 2.25 to 2.35**
- Prevention of Public Nuisance Public Nuisance **Section 2.18 to 2.24**

4.8 Statement of Licensing Policy

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

- Prevention of Crime and Disorder **Section 5**
- Protection of Children from Harm **Section 8**
- Prevention of Public Nuisance **Section 7**
- 

4.9 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. Whilst the Applicant has proposed a number of conditions, the proposed operating schedule can be viewed at Appendix C (**restricted document**).

5.3 Given the concerns raised by residents and Responsible Authorities, Members will wish to ask pertinent questions of the Applicant (or his representatives) to ensure that he intends to employ appropriate methods to promote the licensing objectives. In particular, Members will wish to establish that the Applicant has a full understanding of the conditions agreed with North Wales Police

5.4 Members are reminded that, as of October 2012 when the Live Music Act came into force, the licensing requirement for live music between 08:00 hrs and 23:00 hrs has been removed in certain circumstances. For Members' reference Section 15 of the Guidance to the Licensing Act defines these exemptions.

5.5 Members are finally reminded, that although the representations submitted by North Wales Police have been agreed by the Applicant, any amendments to the original application ie additional conditions, can only be appended to the Premises Licence by Members of a Sub-Committee. It is also for Members to consider whether any condition(s) are deemed

necessary and appropriate.

## 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 by North Wales Police are relevant and appropriate to the meet the licensing objectives, and should Members be minded to grant the application, they consider incorporating the police conditions within the premises' Operating Schedule
- 6.3 In view of the representations received from Interested Parties, Members will wish to give careful consideration to this Application for a Premises Licence.