
REPORT TO:	Licensing Sub-Committee
DATE:	5 th June 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433 licensing@denbighshire.gov.uk
SUBJECT:	Licensing Act 2003 Application for Variation of an existing Premises Licence Corporation Arms, 4 Castle Street, Ruthin LL15 1DA

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Authority has received an application to Vary an existing Premises Licence, submitted in accordance with Section 34 of the Licensing Act 2003 in respect of Corporation Arms, 4 Castle Street, Ruthin. 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 Variation of a Premises Licence. The representations received relate primarily to the Prevention of Public Nuisance and the Prevention of Crime and Disorder.
- 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 to Vary 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 11th April 2017, the Licensing Authority received an application to Vary an existing Premises Licence. The Application has been submitted by Three Feathers Ltd.

- 4.2 The current Premises Licence authorises the following activities:

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of Alcohol (for consumption on and off premises)	Monday to Wednesday Thursday to Saturday Sunday	10:00 10:00 12:00	23:00 01:00 Midnight
Provision of Recorded Music (Indoors)	Monday to Wednesday Thursday to Saturday Sunday	10:00 10:00 12:00	23:00 01:00 Midnight
Provision of Late Night Refreshment	Thursday to Saturday Sunday	23:00 23:00	01:00 Midnight
Premises Opening Hours	Monday to Wednesday Thursday to Saturday Sunday	10:00 10:00 12:00	23:30 01:30 00:30

4.3 The Applicants have now requested authorisation to provide the following licensable activities:

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Supply of Alcohol (for consumption on and off the premises)	Monday to Thursday Friday and Saturday	10:00 10:00	01:00 02:00
Provision of Live Music (Indoors only)	Monday to Thursday Friday and Saturday	12:00 12:00	00:30 01:30
Provision of Recorded Music (Indoors only)	Monday to Thursday Friday and Saturday	10:00 10:00	01:00 02:00
Provision of Late Night Refreshment	Monday to Thursday Friday and Saturday	23:00 23:00	01:00 02:00
Non -Standard timings for all the above licensable activities	12:00 to 02:00 on a Sunday prior to a Bank Holiday, Boxing Day and New Year's Eve. <i>Sunday Hours remain as detailed in 4.2 above apart from above variation.</i>		
Premises Opening Hours	Monday to Thursday Friday and Saturday	10:00 10:00	01:30 02:30

4.4 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

4.5 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.

4.6 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:

- 4.6.1 Five written representations have been received from interested parties in response to the public notice. The representations relate to noise nuisance/anti-social behaviour and crime and disorder. Details of the representations have been forwarded to the Applicants and copies can be examined at Appendix A to this report.
- 4.6.2 Whilst officers are willing to facilitate mediation between parties and offer it as an option, when appropriate, to resolve issues, at the time of compiling this report agreement has not been reached by all parties to participate in any such mediation. The applicants have shown a willingness to engage in mediation throughout the application process
- 4.6.3 Prior to the application being submitted, the applicants had been in lengthy discussions with North Wales Police, and a number of conditions designed to further promote the licensing objectives have been drawn up and incorporated within the Operating Schedule. A copy of the agreed conditions can be found at Appendix B.
- 4.6.4 Part of the discussions between North Wales Police and the applicants, were to make some amendments to existing conditions that currently form part of the premises licence, which the applicants have agreed to and form part of their variation application. A copy of the agreed amendments can be found at Appendix C. For ease of reference the conditions highlighted in yellow are the existing conditions to be removed, and the conditions highlighted in green are the agreed amended conditions.
- 4.6.5 As the Police conditions and amendments (Appendices B and C) to the existing conditions formed part of the original application, members do not need to consider whether they are relevant to be appended to the licence should Members be minded to grant the application.
- 4.6.6 The applicants have also responded to the concerns of the residents by providing a written response, which can be found at Appendix D.

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:

- Prevention of Crime **Section 2.1 to 2.5**
- Prevention of Public Nuisance **Section 2.14 to 2.20**

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 3.1**
- Prevention of Public Nuisance **Section 3.3**

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. Members may examine the additional steps proposed as part of this application at Appendix E.

5.3 Given the concerns raised by the interested parties, Members will wish to question the Applicants (or their representatives) to establish that preventative methods will be employed to alleviate any issues raised by the interested parties.

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.

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 by granting this application as applied for, it would promote the statutory licensing objectives, more specifically, the prevention of public nuisance and crime and disorder.
- 6.3 In view of the representations received, Members will wish to give careful consideration to this Application to Vary a Premises Licence.