

<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	20 <sup>th</sup> August 2018
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Technical Officer (Licensing) 01824 706433 licensing@denbighshire.gov.uk
<b>SUBJECT:</b>	Application for Review of a Premises Licence under Section 51 of the Licensing Act 2003: <b>The Galley, 118 Vale Road, Rhyl</b> <b>Licence Number: PL(A)0084</b>

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003.
- 1.2 The application has been submitted by Chief Inspector Andrew Williams of North Wales Police in respect of The Galley, 118 Vale Road, Rhyl, LL18 2PD.

## **2.0 EXECUTIVE SUMMARY**

- 2.1 This is an application for the review of an existing premises licence. A responsible authority or an interested party may call for a review of a licence but it must be relevant to one or more of the four licensing objectives:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance, and
  - the protection of children from harm.
- 2.2 Members are reminded that any decision must be made in accordance with (i) the Council's Statement of Licensing Policy, (ii) the Guidance issued by the Secretary of State and (iii) the prevailing law.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives.
- 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 grounds for Review, along with any additional representations made, take such steps (below) as it considers necessary for the promotion of the licensing objectives. The Sub-Committee may:

- modify the conditions of the Licence;
- exclude a licensable activity from the scope of the Licence;
- remove the designated premises supervisor;
- suspend the Licence for a period not exceeding 3 months, or
- revoke the Licence

### **4.0 BACKGROUND INFORMATION**

#### **4.1 Guidance issued under section 182 of the Licensing Act, 2003 states:**

*“The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.*

*At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives”*

#### **4.2 North Wales Police have submitted an application for the review of a premises licence held by Mrs Vanessa Michelle Steele in respect of The Galley, 118 Vale Road, Rhyl.**

#### **4.3 The current Designated Premises Supervisor at the premises is Mrs Vanessa Michelle Steele.**

#### **4.4 A full copy of the existing Premises Licence including the current operating schedule can be examined at Appendix A.**

#### **4.5 The grounds for review relate to prevention of crime and disorder and public safety, as stated on the application, are:**

*“As a result of the concerns that North Wales Police has in respect of the management at the licensed premises. The Premises Licence Holder (who is also the Designated Premises Supervisor) has failed to engage with the Force to address these concerns, despite clear evidence of a lack of understanding of the Licensing Objectives as defined under the Licensing Act 2003.”*

- 4.6 Full details of the review application and the incidents undertaken by North Wales Police can be examined at Appendix B to this Report.
- 4.7 North Wales Police and the Council have embarked on a joint initiative to visit licensed premises in the Rhyl area to highlight the requirements of licensed premises to not serve people who are drunk as well as to generate support for the local Pubwatch scheme. Pubwatch is a national voluntary scheme set up with the aim of achieving a safe, secure and responsibly led social drinking environment in licensed premises.
- 4.8 The Galley was visited on the 27th May 2018 as part of this initiative. During the visit, Officers were subjected to foul language, confrontational and aggressive behaviour by a drunk male member of the management of the premises. Officers were of the opinion that the management team held some contempt to the Pubwatch scheme and would serve who they wished.
- 4.9 Due to the nature of the concerns raised by North Wales Police regarding the visit, a letter was sent to the Premises Licence Holder inviting her to attend a meeting to discuss the recent visit and to agree a supportive way forward. In response to the letter, the Premises Licence Holder stated that should she wish to become a member of the local Pubwatch scheme in future, she would inform the Police and Local Authority.
- 4.10 Due to the Premises Licence Holder not addressing all of North Wales Police' concerns, a further meeting was arranged to discuss the recent police visit and to agree a mutual understanding of the legal requirement of the premises to further promote the licensing objectives. The Premises Licence Holder failed to attend the meeting.
- 4.11 In response to the Review application, the Premises Licence holder has now suggested that she is willing to attend any local Pubwatch meetings. A copy of the response can be found at Appendix C.
- 4.12 North Wales Police will be providing CCTV footage for Members to view on the day of the hearing.
- 4.13 Licensing Act 2003 – information/requirements  
When an application is submitted for review of a premises licence, a full copy of the application (and enclosures) must be provided to each of the responsible authorities and the premises licence holder.
- 4.14 Public Notice  
Where an application for review has been accepted by the Licensing Authority, the Act requires that a notice advertising the application is displayed, both on the premises concerned, and at the main Licensing Authority offices for a minimum period of 28 consecutive days.
- 4.15 Relevant Representations

No further representations have been received from Responsible Authorities or members of the public in response to the application for Review

4.16 Issues and Matters relevant to the Application

Members will note that in considering the Application, they should take into account a balance in the interests of owners, employees, customers and neighbours of the premises.

4.17 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:

- The prevention of crime and disorder - **Section 2.1 to 2.7**
- Public safety - **Section 2.8 to 2.17**

4.18 Statement of Licensing Policy – Review Process

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

- The prevention of crime and disorder - **Section 5**
- Public safety - **Section 6**

4.19 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 Members should take into full account the 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.

5.3 In addition to 5.2 above, Members are also reminded that a joint enforcement protocol exists with North Wales Police and the Council. This joint enforcement protocol describes how North Wales Police and the licensing authority will deal with problems arising at premises in relation to any of the four licensing objectives by way of an enforcement ladder system from stages one to three.

5.4 The policy indicates that the process can escalate to stage two or stage three in instances of serious offences.

- 5.5 Given the Premises Licence Holder's failure to engage with North Wales Police, it has been necessary to escalate immediately up to stage three.
- 5.6 Members of the Licensing Sub Committee are reminded of the need to provide reasons for their decision.
- 5.7 Members are reminded that any condition agreed to be relevant and proportionate requires appending to the Premises Licence.
- 5.8 Members should be aware when considering revised conditions to be appended to the Premises Licence, any pre-existing condition of a similar nature will need to be removed.
- 5.9 Members should note that once steps, as detailed at Section 3 of this report (the decision of the Committee) have been taken and a determination is made, the Authority's decision does not have immediate effect. Any decision will only take effect when the period for making an appeal has expired or, if an appeal is lodged, when the appeal is disposed of.