

<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 <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a>
<b>SUBJECT:</b>	Licensing Act 2003 Application for a Premises Licence 39 Well Street, Ruthin. Application Number 529266

## **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 39 Well 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 a new Premises Licence. The representations received relate to the Prevention of Crime and Disorder and the 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.

### **3.0 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 29<sup>th</sup> June 2018, the Licensing Authority received a fully completed application for a new Premises Licence. The Application has been submitted by Richard John Green and a full copy of the application can be examined at Appendix A.

4.2 The premises proposes to operate as a micro-pub selling alcohol for consumption on and off the premises.

4.3 The Applicant has requested authorisation to provide alcohol as follows:

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
Supply of alcohol (for consumption on and off the premises)	Monday-Sunday	12:00	22:00
Hours Premises are open to the Public	Monday-Sunday	12:00	22:00

#### **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
- Immigration Office

#### 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 4 written representations have been received from Interested Parties in response to the public notice. The representations relate to possible disturbance from noise and anti-social behaviour, details of which can be seen at Appendix B.
  - 4.6.1.1 The Senior Technical Officer (Environmental Health) has submitted written representations relating to the premises' close proximity to residential properties. A number of conditions have therefore been proposed and agreed by the applicant to be included within the licence, should it be approved, to assist in the prevention of public nuisance. Details of the agreed conditions can be seen at Appendix C.
  - 4.6.2 North Wales Police have submitted representations to the application, along with a number of proposed conditions to be incorporated within the premises operating schedule, should the application be granted. The applicant has confirmed that they are willing to accept these additional conditions. Details of the agreed conditions can be seen at Appendix D
  - 4.6.3 The applicants have also responded to the concerns of the residents by providing a written response, which can be found at Appendix E.
- 4.7 The Applicant has indicated a willingness to mediate with the Interested Parties however some objectors have indicated that they prefer the matter to be brought before Members.

4.8 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.

4.9 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 Public Nuisance **Section 2.15 to 2.21**
- Prevention of Crime and Disorder **Section 2.1 to 2.6**

4.10 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**

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. The Applicant has proposed a number of conditions and the proposed operating schedule can be viewed as part of the Premises Licence found at Appendix A.

5.3 Given the concerns raised by the objectors, Members will wish to ask pertinent questions of the Applicants (or their representatives) to ensure that they intend to employ appropriate methods to promote the licensing objectives.

5.4 Members are reminded that 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 are relevant and appropriate to meet the licensing objectives, and should Members be minded to grant the application, they consider incorporating North Wales Police and Pollution Control Conditions within the Premises' Operating Schedule

6.3 In view of the representations received from the Interested Party, Members will wish to give careful consideration to this Application.