

REPORT TO:	Licensing Sub-Committee
DATE:	28 th November 2018
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706433 licensing@denbighshire.gov.uk
SUBJECT:	Application for Review of a Premises Licence under Section 51 of the Licensing Act 2003: The Barrell, 37-39 Water Street, Rhyl Licence Number: PL(A)0385

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 Barrell, 37-39 Water Street, Rhyl, LL18 1SR.

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 Mr Ian Mcallister in respect of The Barrell, 37-39 Water Street, Rhyl.

4.3 The current Designated Premises Supervisor at the premises is Mr David Jai Jones.

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:

- North Wales Police have a lack of confidence in the management of the Premises to responsibly manage the premises.
- Failure to challenge drunk customers and allowing customers to get drunk on premises and serving drunken customers.
- Failure to manage the behaviour of customers at the premises.

- Failure of the premises to adequately manage and control incidents of crime and disorder.
- Evidence of an environment within the premises whereby drug taking is openly tolerated.
- Failure to report all incidents of crime and disorder to North Wales Police.
- North Wales Police is of the opinion that the hours for licensable activities are not suitable for the premises and that the majority of incidents occur after 00:00.
- Failure to promote the Licensing Objectives, particularly The Prevention of Crime and Disorder, Public Safety and Public Nuisance”

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 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.

4.8 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.

4.9 Relevant Representations

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

4.10 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.

4.11 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**

4.12 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**

- 4.13 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 Members of the Licensing Sub Committee are reminded of the need to provide reasons for their decision.
- 5.6 Since the Review application has been submitted, Members should be aware that although Mr. Sean Mountford proposed to be Designated Premises Supervisor at the premises, no official application has been received, therefore Mr. David Jai Jones is still the Designated Premises Supervisor.
- 5.6 Members are reminded that any condition agreed to be relevant and proportionate requires appending to the Premises Licence.
- 5.7 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.
- 5.8 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.