

<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	24 <sup>th</sup> April 2019
<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 Premises Licence Rhyl Spice, 64-66 Queen Street Rhyl LL18 1SB

## **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 Rhyl Spice, 64-66 Queen Street, 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 the Prevention of Crime and Disorder, the Protection of Children from Harm 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 1<sup>st</sup> March 2019, the Licensing Authority received a fully completed application for a new Premises Licence. The Application has been submitted by Gamlins Law Solicitors on behalf the Applicant, Md Muhim Uddin. A full copy of the application can be examined at Appendix A.

4.2 The Application states that the premises will operate as a restaurant and takeaway. A telephone delivery service will also be provided and in all cases, alcohol will only be sold or delivered when a customer has purchased a meal.

4.3 The Applicant has requested authorisation to provide licensable activities as follows:

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
Late Night Refreshment Indoors and Outdoors	Monday - Sunday	23:00	02:00
Supply of alcohol (for consumption on and off the premises)	Monday - Sunday	11:00	02:00
Hours Premises are open to the Public	Monday - Sunday	11:00	02:00

Last entry to restaurant and takeaway facility at 01:00 hrs. Telephone delivery service until 02:00 hrs. (Alcohol to be sold ancillary to food)

#### 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 North Wales Police have submitted representations to the Application, along with a number of proposed conditions relating to the delivery of alcohol to be incorporated within the premises' Operating Schedule, should the application be granted. The solicitors for the Applicant have confirmed that they are willing to agree to these conditions. Details of the agreed conditions can be seen at Appendix B.
- 4.6.2 2 written representations have been received from Interested Parties in response to the public notice. The representations relate to possible disturbance from noise and air pollution, details of which can be seen at Appendix C.
- 4.6.3 Whilst officers have offered to facilitate mediation between the Applicant and Interested Parties, at the time of compiling this report, no resolution has been reached.
  - 4.6.3.1 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.

4.6.4 Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives.

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

- 4.8
  - Protection of Children from Harm **Sections 2.22 to 2.32**
  - Prevention of Public Nuisance **Sections 2.15 to 2.21**
  - Prevention of Crime and Disorder **Sections 2.1 to 2.6**

4.9 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**
- Protection of Children from Harm **Section 3.4**
- Prevention of Public Nuisance **Section 3.3**

4.10 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 to be found at Appendix A.

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

objectives.

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.

6.3 In view of the representations received from the Interested Parties and North Wales Police, Members will wish to give careful consideration to this Application.