

REPORT TO:	Licensing Sub-Committee
DATE:	26 th August 2020
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Senior Licensing Officer 01824 706433 licensing@denbighshire.gov.uk
SUBJECT:	Application for Review of a Premises Licence under Section 51 of the Licensing Act 2003: The North, 27 Wellington Road, Rhyl, Denbighshire LL18 1BA

1. 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.

The application has been submitted by PC Manus Sheridan on behalf of North Wales Police in respect of The North, 27 Wellington Road, Rhyl, LL18 1BA.

2. 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 and, (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. 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;
- revoke the Licence

4. 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 The North Rhyl Ltd.
- 4.3 The current Designated Premises Supervisor at the Premises is Mr Robin Jones.
- 4.4 A full copy of the existing Premises Licence including the current operating schedule can be examined at Appendix A to this report

4.4.1 The grounds for review, as stated on the application, are:

“Failure to promote the Licensing Objectives, particularly The Prevention of Crime and Disorder, Public Safety and Public Nuisance”.

4.4.2 Full details of the grounds for review have been provided by North Wales Police and can be examined at Appendix B to this Report.

4.4.3 The application for review details various incidents taking place at the premises between 1st December 2018 and 20th January 2020. North Wales Police have received 55 calls relating to incidents at the premises.

4.4.4 In view of these incidents, North Wales Police state that they have a lack of confidence in the ability of the management of the premises to run the premises in a responsible manner. They also refer to failure to challenge drunk customers and allowing customers to get drunk on the premises, along with failure to manage customers’ behavior and failure to adequately manage and control incidents of crime and disorder.

4.4.5 The Council’s Statement of Licensing Policy outlines details of a joint enforcement protocol with North Wales Police and the Licensing Authority for dealing with problems arising at licensed premises. The protocol has been utilised on a number of occasions between North Wales Police and Officers from Stage one engagement meetings to Action Plans being drawn up. Details of such meetings can be found throughout the review application at Appendix B.

4.4.6 North Wales Police state that there is a serious lack of control at the premises, however they do not wish to see the venue closed down, as they fully support and encourage a vibrant, lively and safe late night economy. Therefore they recommend modifications of the existing Premises Licence conditions:

1. All licensable activities to cease by 23:00 hrs
2. All customers to leave the premises by midnight. Only people who can be formally identified as staff are permitted on the premises beyond this time
3. A person who can access and download CCTV footage to be on site at all times when licensable activities are being undertaken. Should there not be such a person on site, the premises must cease all licensable activities until such a time that a person is on site and available.
4. The rear beer garden and rear smoking shelter not to be used after 21:00 hrs Monday to Sunday
5. A designated smoking area to be utilised after the hours of 21:00

hrs Monday to Sunday in the rear of the premises. This area is to be limited to 5 persons at a time and the area is to be actively monitored by an SIA door supervisor. No drinks are to be permitted in this area (this is to deter people taking longer than necessary)

6. No persons to be permitted to smoke in the front of the premises after 21:00 hrs
7. A terminal entry hour of 23:00 hrs to be implemented Monday to Sunday.
8. No re-admittance to any customer/s who leaves the premises after 23:00 hrs. There are to be no exceptions to this rule eg customers using the ATM or making a phone call.
9. There to be a minimum of one personal licence holder on duty at the premises at all times when licensable activities are being undertaken.
10. All drinks to be dispensed and bottles decanted into polycarbonate drinkware at all times when licensable activities are being undertaken.
11. All door supervisors to be SIA Approved Contractor Scheme (ACS) accredited.
12. Removal of Robin Jones as DPS.

4.4.7 North Wales Police have also provided CCTV footage of incidents that have taken place since the application for review was served. North Wales Police have confirmed that a copy of this footage has been served on the Premises Licence Holder.

4.5 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.

4.6 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.

4.7 Relevant Representations

Two representations, in support of the premises, that have been deemed to be relevant by the Head of Planning and Public Protection have been received in respect of the application within the statutory 28-day period. These letters can be examined at Appendix C.

4.7.1 Mr Robin Jones, the director of The North Rhyl Ltd (and also the

Designated Premises Supervisor) has also submitted representations in response to the application, details of which can be examined at Appendix D.

4.8 Issues and Matters relevant to the Application

Members will note that in considering the Application, they should take into account: -

- Balancing the interests of owners, employees, customers and neighbours of the premises.

4.9 Licensing Objectives / Guidance

4.9.1 The relevant representations engage the licensing objectives.

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

- Crime and Disorder **Section 2.1 to 2.6**
- Public Safety **Section 2.7 to 2.14**
- The prevention of public nuisance **Section 2.15 to 2.21**

4.10 Statement of Licensing Policy – Review Process

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

- Crime and Disorder **Section 3.1**
- Public Safety **Section 3.2**
- The prevention of public nuisance **Section 3.3**

4.11 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 note that once steps, as detailed at Section 3 of this

report 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.

- 5.3 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.
- 5.4 Members of the Licensing Sub Committee are reminded of the need to provide reasons for their decision.
- 5.6 Members are reminded that any condition agreed to be relevant and proportionate requires appending to the face of 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.