

REPORT TO:	Licensing Sub-Committee
DATE:	30 May 2022
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 Glanglasfor, 1 Glanglasfor, Rhyl, Denbighshire LL18 1RP

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 Mr Aaron Haggas, Police Licensing Manager on behalf of North Wales Police in respect of The Glanglasfor, 1 Glanglasfor, Rhyl, LL18 1RP.

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 Mr Stephen Butler.

4.3 The current Designated Premises Supervisor at the Premises is also Mr. Stephen Butler.

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:

“as a result of the premises failing to promote the four licensing objectives, specifically the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm. Additionally, concern has been raised that the premises is in breach of its premises licence hours.

Despite attempts by North Wales Police and Denbighshire County Council to address the concerns raised, the premises has failed to engage on a continued basis.

North Wales Police have a lack of confidence in the Designated Premises Supervisor, the Premises Licence Holder and Management of the Premises to responsibly manage the premises.”

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 an incident that took place on the 3rd March 2022 at 00:55 hrs, involving a group of highly intoxicated individuals who were locked in the premises, ranging from 15 to 21 years of age, two of which had been reported as missing. Mrs. Butler, the wife of the Premises Licence Holder, presented herself as the person in charge, however it was apparent by Officers in attendance that she had no control over the group of individuals and there was no record of any proof of age checks taking place. It was also noted that a number of drinks were almost full suggesting service beyond the existing licence hours.

4.4.4 As a result of the seriousness of the incident that took place on the 3rd March 2022, North Wales Police invited Mr Butler in to discuss the concerns raised, specifically a potential breach of the premises licence; drunk persons on the premises; failure to control customers, age verification policy; children drunk on the premises and the premises facilitating a lock in which included children.

4.4.5 Mr. Butler failed to attend the meeting arranged for the 14th March 2022 and also failed to attend a subsequent meeting scheduled for 21st March 2022. Members should also be aware that this is not the first time Mr. Butler has failed to engage with Officers, as he did not attend a meeting on the 8th October 2020 to discuss concerns relating to Covid.

4.4.6 Additionally, following the joint enforcement protocol in the Council's Statement of Licensing Policy for dealing with problems arising at licensed premises, the premises were involved in a Level 1 engagement meeting for allowing customers to get drunk on the premises and a

failure to provide CCTV to North Wales Police following a serious assault on the premises.

4.4.7 In view of these incidents, North Wales Police state that the premises do not have sufficient measures in place to promote the four licensing objectives, and due to the premises failing to engage with both North Wales Police and Officers of the Council, they request that Members consider of a number of additional measures, as detailed at Appendix C.

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

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

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**
- The prevention of public nuisance **Section 2.15 to 2.21**
- The protection of children from harm – **Section 2.22 to 2.32**

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**
- The prevention of public nuisance **Section 3.3**
- The protection of children from harm – **Section 3.4**

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, Public Protection and Countryside Services 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.