

<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	1 December 2023
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Licensing Officer 01824 706433 <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a>
<b>SUBJECT:</b>	Licensing Act 2003 Application for New of Premises Licence Deutch's Bar, 39 Wellington Road, Rhyl. Application Number 570603

## **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 Deutch's Bar, 39 Wellington Road, 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 all four Licensing Objectives.
- 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 19<sup>th</sup> September 2023, the Licensing Authority received a fully completed application for a New Premises Licence. However, due to an oversight on the applicant's side, the requisite public notice was not placed in a local publication within the statutory timeframe, therefore the application was re-submitted on the 12th October 2023. The Application has been submitted by Mr Gary John Longworth and a full copy of the application can be examined at Appendix A.

4.2 The premises propose to apply for the provision of live music (Indoors only), together with the provision of recorded music (Indoors only), Provision of anything similar to live music, recorded music or performances of dance (Indoors only), and the sale of alcohol for consumption on both on and off the premises.

4.3 The Applicant has requested authorisation to provide the following:

<b>LICENSABLE ACTIVITY</b>	<b>DAYS APPLICABLE</b>	<b>TIME FROM</b>	<b>TIME TO</b>
<b>Supply of alcohol (for consumption on the premises)*</b>	Monday – Friday	14:00	23:40
<b>Supply of alcohol (for consumption off the premises)*</b>	Saturday – Sunday and bank holidays		
	Monday – Sunday	18:00	23:40
Provision of Live Music (Indoors)	Monday – Sunday	10:00	00:00
Provision of Recorded Music (Indoors)	Monday – Sunday	10:00	00:00
Provision of anything similar to Live Music, Recorded Music or Performances of Dance (Indoors)	Monday - Sunday	10:00	00:00
Hours Premises are open to the Public	Monday – Sunday	10:00	00:00

**\*Amended hours offered as part of mediation.**

- 4.4 Members should note that the original proposed hours for alcohol sales submitted as part of the application was from 10:00 hrs daily, however the applicant has re-considered his alcohol hours in light of the representations received as stated in 4.3 above.
- 4.5 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
- 4.6 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.
- 4.7 Relevant Representations  
Representations that have been deemed to be relevant by the Head of Planning, Public Protection and Countryside Services have been received within the statutory 28-day period:
- 4.7.1 13 written representations were originally received from Other Persons in response to the public notice, however, as a result of mediation one individual has withdrawn their representations. The remaining representations relate to mainly possible disturbance from noise and anti-social behaviour, details of which can be seen at Appendix B.
- 4.7.2 The applicant has engaged with North Wales Police and the Council’s Environmental Health section and agreed to include a number of conditions as part of his re-submitted application, which can be found at Appendix C. These conditions now form part of the application and do not need Member consideration to append to the operating schedule should the application be granted.
- 4.7.3 North Wales Police have also submitted a representation in support of the application, which can be found at Appendix D.
- 4.7.4 As a result of the representations received, mediation was offered to all parties, and at the time of writing this report no formal agreement has been reached. As part of mediation the applicant has offered to amend

his application relating to alcohol hours and has submitted a response to all Other Persons who submitted representations with a hope to address some of the concerns raised. The applicants' response can be found at Appendix E.

4.8 It is important that Members note when suggesting the option of mediation or negotiation to Other Persons 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**
- Public Safety **Section 2.7 to 2.14**
- Protection of children from harm **Section 2.22 to 2.32**

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**
- Public Safety **Section 3.2**
- Protection of children from harm **Section 3.4**

4.11 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, Public Protection and Countryside Services 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 application found at Appendix A.

- 5.3 Given the concerns raised by Other Persons, 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.
- 5.4 All parties have been invited to attend the Hearing.
- 5.5 Members are reminded that any amendments to the original application i.e., additional conditions or amendments to licensable activities and hours, 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 In view of the representations received from All Parties, Members will be required to determine whether they are relevant and appropriate to meet the licensing objectives.
- 6.3 Should Members be minded to grant the application, that they consider approving the amended hours as detailed at 4.3 and 4.4 above.