

<b>REPORT TO:</b>	Licensing Sub-Committee
<b>DATE:</b>	15 January 2024
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Licensing Officer 01824 706433 licensing@denbighshire.gov.uk
<b>SUBJECT:</b>	Application for Review of a Premises Licence under Section 51 of the Licensing Act 2003: <b>The Millbank, Grange Road, Rhyl, Denbighshire LL18 4RD</b>

## 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 Inspector Kevin Smith on behalf of North Wales Police in respect of The Millbank, Grange Road, Rhyl, LL18 4RD.

## 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 premises 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 Parmvir Singh Bisla.
- 4.3 The current Designated Premises Supervisor at the Premises is also Mr. Bisla.
- 4.4 A full copy of the existing Premises Licence including the current operating schedule can be examined at Appendix 1 to this report

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

*“The premises has failed to promote the Licensing Objectives: the prevention of crime and disorder, the prevention of public nuisance and the protection of Children from Harm.*

*On 1st September 2023 North Wales Police received a call reporting an incident of common assault- A140763*

*On 29th October 2023 North Wales Police received a call reporting an incident of public disorder at the premises- A173302*

*On 5th November 2023 North Wales Police received a call reporting an incident of common assault at the premises- A176556 “*

4.6 Full details of the grounds for review have been provided by North Wales Police and can be examined at Appendix 1 to this Report.

4.7 The application for review details three separate incidents of disorder, in summary:

1. 1<sup>st</sup> September 2023 – report of a common assault involving a member of staff who has grabbed a customer by the neck and threatened them. Full details of the incident can be found at Appendix 2 (B) within the Review application.
2. 29<sup>th</sup> October 2023 - report of a public order incident involving members of staff and customers. Police Officers who attended the incident found a number of intoxicated people and two males on the floor outside, one was unconscious and was bleeding from a wound to his head. On viewing the CCTV footage of the incident, the opinion of the Police Officers is that disorder by both staff and customers has taken place and that the force used by all parties was excessive with no defence for the use of said force. Police Officers have also questioned the manner of the Manager and their family who in their opinion, have acted extremely aggressively to customers, with further concerns that one customer, being 17 years of age, was repeatedly assaulted. One other person sustained a broken arm in two places. On viewing the CCTV the police officers believe the disorder is initiated over a dispute relating to drinks at the bar between staff and customers and escalates to the point where three customers and staff/family members are all fighting, with no control over the situation by the management. Full details of the incident can be found at Appendix 2 (C- E)
3. 5<sup>th</sup> November 2023 – incident of a report that a fight inside the premises between staff and customers and that one person had been strangled and punched by a member of staff. On further

investigation, it was found that the Premises Licence Holder, Mr Bisla, had removed four customers and had assaulted them outside, resulting in one customer sustaining a sprained wrist and another a broken finger.

4.8 North Wales Police have submitted CCTV evidence of the incident on the 29<sup>th</sup> October 2023 in support of their application which will be viewed during the hearing.

4.9 Police Officers have expressed a genuine concern over the behaviour of staff at the premises and have stated that the Premises Licence should be revoked.

4.10 It is further noted that neither North Wales Police or the Licensing Authority have been approached by the Premises Licence Holder with any indication that they may be struggling to manage customer behaviour.

4.11 In view of the seriousness of two of the incidents, North Wales Police state that the premises is not appropriately managed and that the Premises Licence Holder and existing staff have been party to the incidents and the level of disorder associated with them, therefore they request consideration to revoke the Premises Licence due to the failure to adhere to the Licensing Act 2003, specifically the failure to promote the Crime and Disorder and Protection of Children from Harm objectives.

4.11.1 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.

4.12 Public Notice

4.12.1 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.

4.13 Relevant Representations

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

#### 4.14 Issues and Matters relevant to the Application

4.14.1 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.

#### 4.15 Licensing Objectives / Guidance

4.15.1 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:

- 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**

#### 4.16. Statement of Licensing Policy – Review Process

4.16.1 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**

4.16.2 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.