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Contact Officer:
Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

To: Cllr Tony Sharps (Chairman)

Councillors: Ron Davies and Adele Davies-Cooke

18 September 2020

Dear Sir/Madam

NOTICE OF REMOTE MEETING
LICENSING SUB-COMMITTEE
THURSDAY, 24TH SEPTEMBER, 2020 at 10.00 AM

Yours faithfully

Robert Robins
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing, this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Committee Members. The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

AGENDA

1 **APOLOGIES**

Purpose: To receive any apologies.

2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Purpose: To receive any Declarations and advise Members accordingly.

3 **LICENSING ACT 2003 - APPLICATION FOR VARIATION OF A PREMISES LICENCE** (Pages 3 - 28)

Purpose: For members to consider and determine an application for variation of a Premises Licence made under the Licensing Act 2003



LICENSING SUB COMMITTEE

Date of Meeting	Thursday, 24 September 2020
Report Subject	Licensing Act 2003 - Application for variation of a Premises Licence
Report Author	Chief Officer: Planning, Environment & Economy

EXECUTIVE SUMMARY

For Members to consider and determine a application made under the Licensing Act 2003, in respect of MPH Hotel Ltd, Northop Road, Flint Mountain, Flintshire. CH6 5QG.

RECOMMENDATIONS

1	That Members consider and determine the application for Variation of a Premises Licence made by Mr Yan Chan.
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REPORT DETAILS

1.00	EXPLAINING THE APPLICATION
1.01	The premises concerned is MPH Hotel Ltd, Northop Road, Flint Mountain, CH6 5QG. Its location can be seen in Appendix A.
1.02	The applicant is Mr Yan Chan
1.03	The application is for Variation of a Premises Licence for MPH Hotel Ltd, Northop Road, Flint Mountain, CH6 5QG.
1.04	The premises currently hold a Premises Licence for :- The supply of alcohol on and off the premises Monday to Saturday 10.00 – 23.00

	<p>Sunday including Good Friday 12.00 – 22.30 Christmas Day – 12.00 – 15.00 & 19.00 – 23.30 New Year's Eve – 24 hours Monday to Sunday 10.00 – 01.00 (In the bar area only)</p> <p>Live music, recorded music, dance (indoors only) Monday to Saturday 11.00am – midnight Sunday 12.00 – 23.30</p> <p>Late Night refreshment (indoors only) Monday 23.00 – 05.00 Tuesday to Sunday 23.00 – midnight</p>
1.05	<p>The Variation application is to allow :-</p> <p>The supply of alcohol on and off the premises Monday to Sunday 10.00 – 01.00 (In all licensed areas) New Year's Eve to remain as per existing licence To remove the restriction on Christmas Day and Good Friday</p> <p>To add recorded music in the front outside area Monday to Saturday 12.00 – 22.00 Sunday 12.00 – 20.00</p> <p>To amend Late Night Refreshment to Monday to Sunday 23.00 – 05.00</p>
1.06	<p>A plan to identify the front outside area is show as Appendix B1 and a plan to identify the inside of the building is shown as Appendix B2.</p>
1.07	<p>A letter was received from Mrs Ann Williams from North Wales Police (NWP) on 11th August 2020. The letter made no objection to the application, but asked for additional conditions in relation to CCTV, Challenge 25 and Door Supervisors. The applicant has agreed to these conditions being attached to the existing premises licence therefore NWP have confirmed they will not be attending the hearing. Please see Appendix C.</p>
1.08	<p>Representations to the variation application were received from Flintshire County Council's Pollution Control section on 24th July 2020. These are shown at Appendix D.</p>
1.09	<p>North Wales Fire and Rescue Service have confirmed in writing that they will not be making any representations to the Licensing Authority regarding the application. See Appendix E.</p>
1.10	<p>Two Letters of representation from local residents were received in objection to the variation application. See Appendix F.</p>
1.11	<p>For variation applications, applicants are required to submit an operating schedule, detailing any additional steps they intend to take to promote the four licensing objectives, which are:</p>

	<ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix G.</p>
1.12	The application was advertised in the correct manner.
1.13	<p>The applicant previously notified the licensing section of four Temporary Event Notices (TEN's) for the following dates and times.</p> <p>Notice 1 6th – 8th August 2020 – 12.00 – 22.00</p> <p>Notice 2 13th – 16th August 2020 – 12.00 – 22.00</p> <p>Notice 3 20th – 23rd August – 12.00 – 22.00</p> <p>The TEN's were to cover licensable activity in the outside area as indicated in Appendix B1.</p>
1.14	Three of these Temporary Event Notices were considered at a Licensing Sub-committee hearing following objections made by Flintshire County Council's Pollution Control Officer.
1.15	<p>The TEN's were approved after the applicants voluntary suggestion to amend the end time of each of the TEN's to 21.00 hours.</p> <p>The Chairman advised Mr. Chan (though not a condition of the approval) that the Sub Committee wished him to continue to manage and maintain the premises to ensure that there would be no disturbance to local residents due to loud music emanating from the site.</p>
1.16	During the application period a marquee has been erected in the outside area being considered as part of this variation. It has been confirmed that there is no current planning permission for this structure.
1.17	In addition to this during the Coronavirus Pandemic the compliance team have had occasion to speak with the applicant on three separate occasions in relation to gatherings, social distancing and not following the Welsh Government guidance in relation to gazebo's and marquees.
1.18	When the applicant was asked to provide his risk assessment which is mandatory under the coronavirus regulations he failed to provide this.

2.00	RESOURCE IMPLICATIONS
2.01	None in respect of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	A 28 day consultation period was carried out following receipt of the application, as required by the Licensing Act 2003.

4.00	RISK MANAGEMENT
4.01	All risks are addressed in the steps taken to promote the four licensing objectives shown in the Operating Schedule.

5.00	APPENDICES
5.01	<p>Appendix A: Location Plan</p> <p>Appendix B1: Plan of the outside area</p> <p>Appendix B2: Plans of the inside areas</p> <p>Appendix C: Letter from North Wales Police</p> <p>Appendix D: Representations from Flintshire County Council's Pollution Control Section</p> <p>Appendix E: Letter from Fire and Rescue Service</p> <p>Appendix F: Representations from local residents</p> <p>Appendix G: Steps to be taken to promote the Licensing Objectives</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Licensing Act 2003</p> <p>Section 182 Guidance for Licensing Authorities</p> <p>https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</p> <p>Flintshire County Council's Statement of Licensing Policy</p> <p>Contact Officer: Jacqui Dale, Licensing Officer Telephone: 01352 703377 E-mail: licensing@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p>

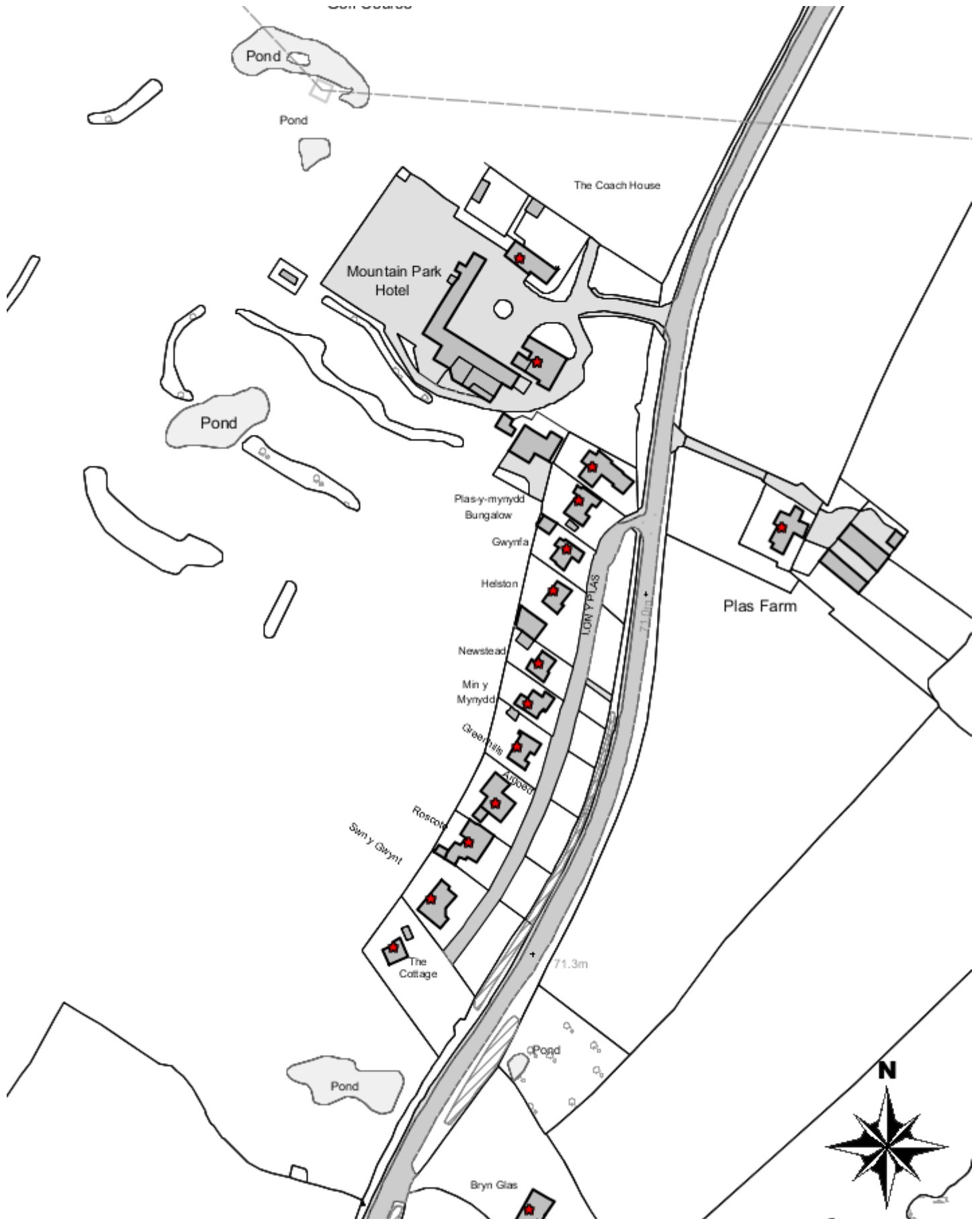
Licensable activities – these are the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment.

Supply of alcohol – means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

Licensing Objectives - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

Temporary Event Notice - A Temporary Event Notice (TEN) is a standalone licensing permission which permits licensable activities for 499 people or less, for a short period of time. They can either temporarily extend or amend licensable activity in respect of a premises which already has a premises licence or club premises certificate, or can apply where there is no existing licensing permission in place.

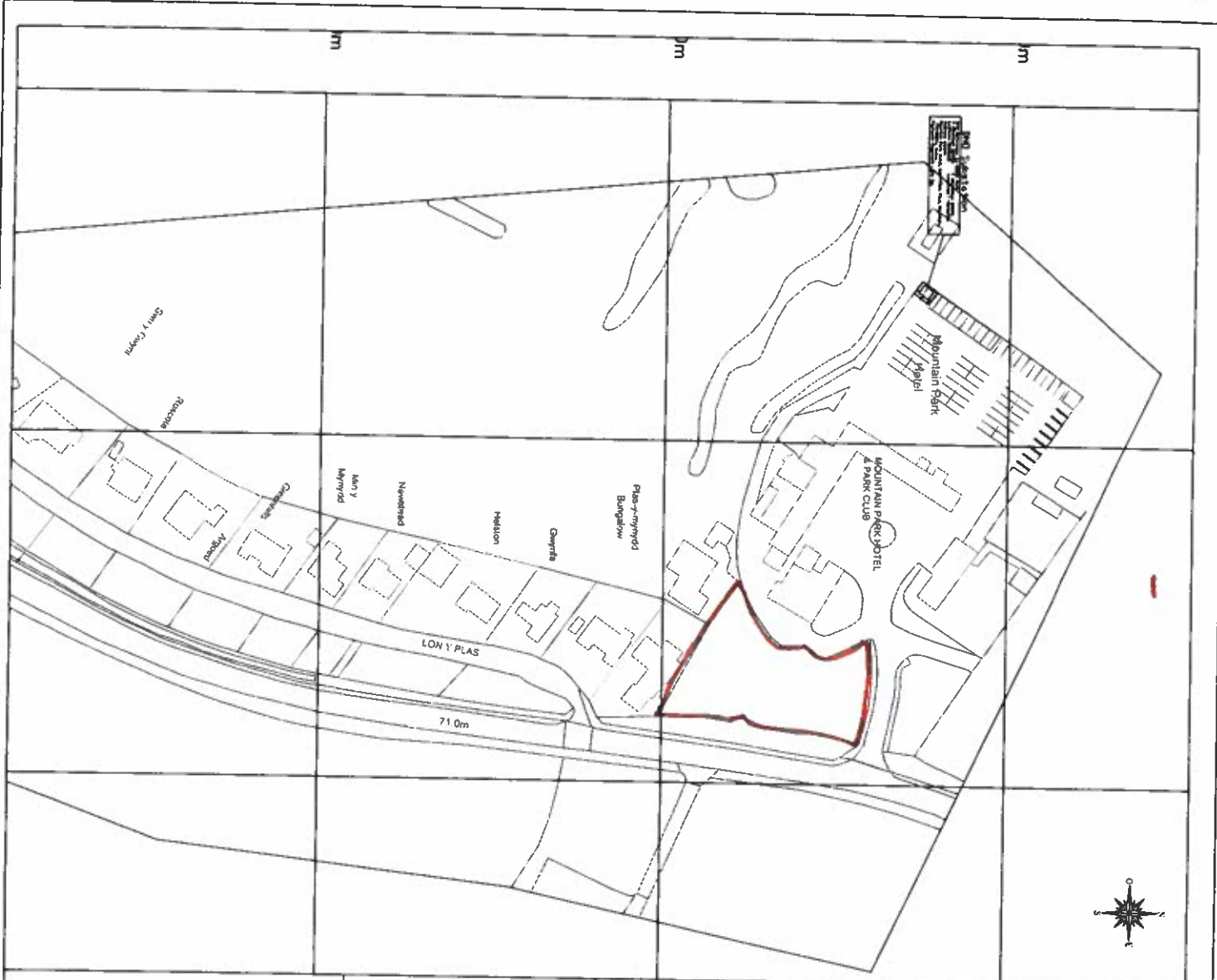
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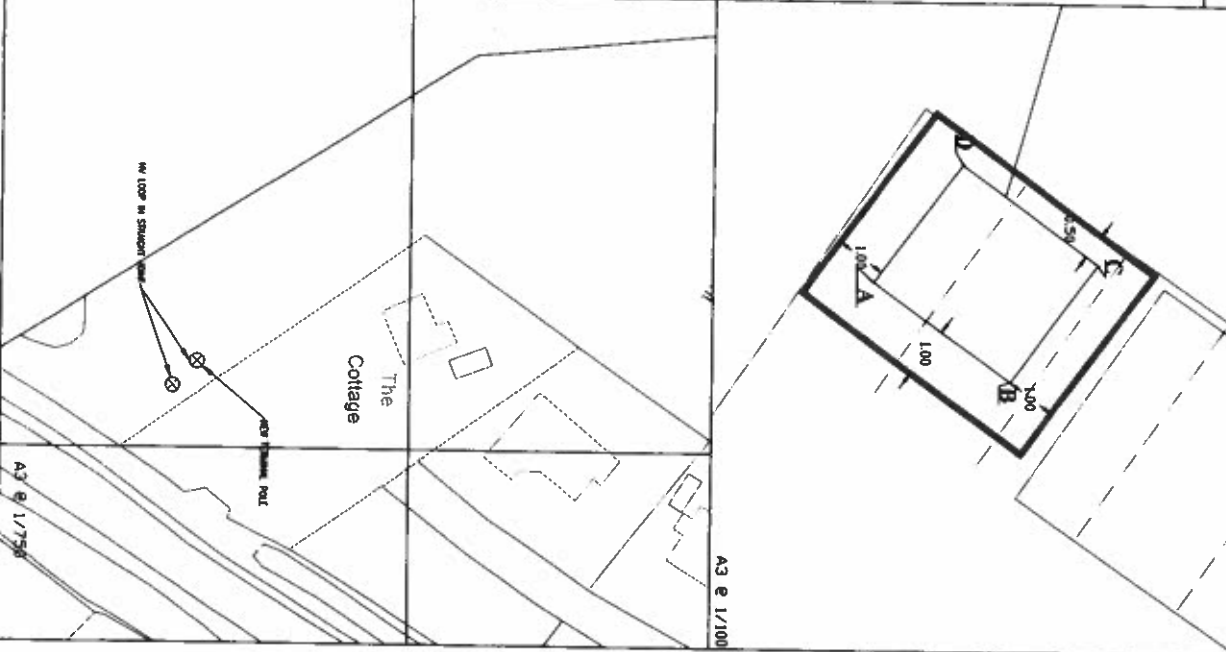
28-August-2020

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Substation Plinth corners coordinates

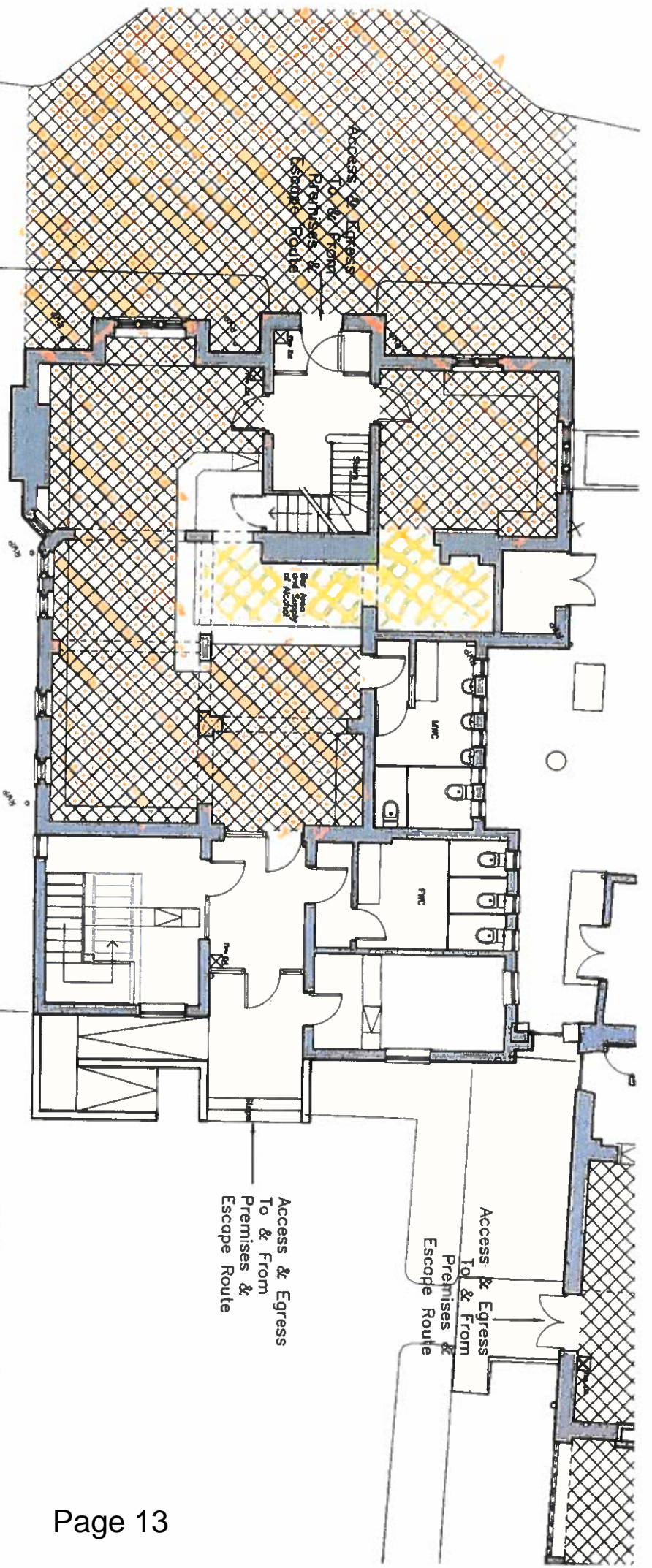
A: X =	323855.59	Y =	371172.99
B: X =	323857.35	Y =	371175.54
C: X =	323853.29	Y =	371174.58
D: X =	323855.05	Y =	371177.13



<p>Scale: 1:1</p> <p>DATE: 28/05/2006</p> <p>BY: [Signature]</p> <p>PROJECT: [Project Name]</p>		<p>UCP Choice</p> <p>Unit 21</p> <p>Regional Development Park</p> <p>CSI 812 Conventry</p>	<p>SITE LOCATION PLAN</p> <p>A3 @ 1/1250</p>
<p>KEY</p> <p>Substation with 2m Substation length = 22m Substation height = 22m</p>		<p>GENERAL NOTES:</p> <p>1. Substation with 2m Substation length = 22m Substation height = 22m</p> <p>2. Substation with 2m Substation length = 22m Substation height = 22m</p>	<p>CONTACTS:</p> <p>UCP Choice: 01203 222222</p> <p>UCP Choice: 01203 222222</p>

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Ground Floor & External Terraces



Flint Mountain Hotel

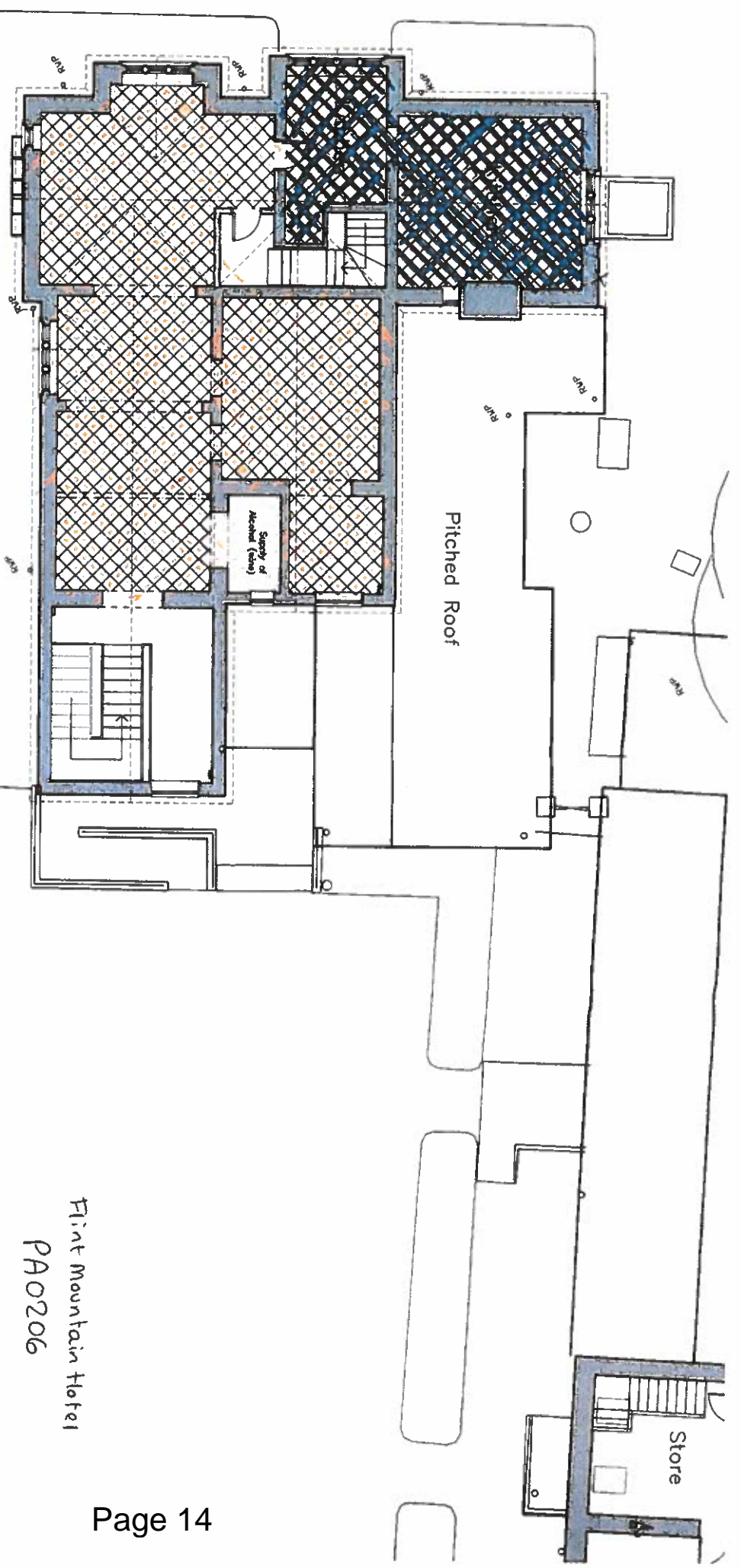
PA0206

LEGEND





-  Alcohol Consumption
-  Alcohol Supply
-  Kitchen
-  Fire Extinguisher

FLINTSTONE COUNTY COUNCIL
DIRECTORATE OF
ENVIRONMENT & REGENERATION
01-07-05
RECEIVED

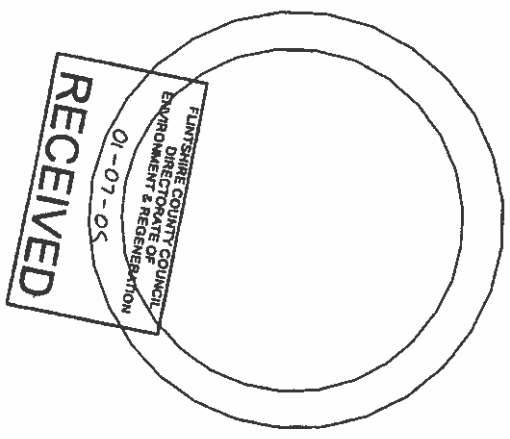
First Floor Plan



LEGEND

-  Alcohol Consumption
-  Alcohol Supply
-  Kitchen
-  Fire Extinguisher

Flint Mountain Hotel
PA0206





FLINTSHIRE COUNTY COUNCIL
DIRECTORATE OF
ENVIRONMENT & REGENERATION
01-07-05
RECEIVED

Flint Mountain Hotel
PA0206

Consultation of
Acad. Plan 00/514/
14/0-48

Access & Egress
to & from
Premises &
Escape Route

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**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

11th August, 2020

Mrs. Gemma Potter,
Licensing Team Leader,
Flintshire County Council,
County Hall,
Mold.
CH7 6NF

Dear Mrs. Potter,

**APPLICATION TO VARY PREMISES LICENCE –
MOUNTAIN PARK HOTEL AND GOLF CLUB, NORTHOP ROAD, FLINT MOUNTAIN, FLINT CH6 5QG**

I write with reference to the above application, which has been discussed with Inspector Gareth Cust, the officer responsible for this area.

North Wales Police make no objections to this application, however, it is requested that the following conditions be attached to the premises licence under the licensing objectives of Prevention of Crime and Disorder and Protection of Children from Harm:-

- **A digital, colour hard disc CCTV system to be installed and maintained in a good working order. Recordings are to be kept for a minimum of 28 days and made available for inspection by Police or Local Authority, upon request.**
- **There must be a member of staff trained in the use of the CCTV system, with the knowledge and capability to download CCTV footage at the request of Police or Local Authority**
- **The premises will operate Challenge 25 policy**
- **SIA Door supervisors will be employed at the venue at the discretion of the Premises Licence Holder**

Should the applicant be in agreement with the above representations, they or their representatives are requested to confirm this to the relevant Council Licensing Department as soon as possible. This MAY avoid the need for a hearing before Committee, dependant upon any other representations received from other responsible authorities or interested parties.

www.heddlu-gogledd-cymru.police.uk

www.north-wales.police.uk

Swyddog Trwyddedu'r
Cyfeuster Rheoli a Dalfa'r Dwyrain
Fford Dav
Stad Ddiwydiannol Llai
Llai, Wrexham
LL12 0PG
Ffon – 01978 834099
Symudol - 07896172313

Cont/..

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Licensing Officer
Eastern Command and Custody Facility
Davy Way
Llay Industrial Estate
Llay, Wrexham
LL12 0PG
Tel – 01978 834099
Mobile - 07896172313

Should the applicant not be in agreement with the representations, a Licensing Sub-Committee hearing will take place.

Yours faithfully,

Ann Williams
Eastern Licensing Officer

cc

Jacqui Dale, Flintshire County Council Licensing Officer
Inspector Gareth Cust, North Wales Police, Flintshire North
Yan Chan – e mail - reception@flintmountainparkhotel.co.uk

gwned Gogledd Cymru'r lle **mwya**f **diogel** yn y DU making North Wales the **safest** place in the UK

Jacqui Dale

From: Dave L Jones
Sent: 24 July 2020 16:05
To: 'reception@flintmountainparkhotel.co.uk'
Cc: Jenny Prendergast; Jacqui Dale
Subject: Objection to TENS and for extension of music licence for outside area

Dear Mr Chan,

I wish to give you notice that I am raising an objection to your application for TENS and a variation of your Licence to allow for music to be played in the outside seating area at your premises.

The reason is because we had a noise complaint regarding your first event last weekend and there is every likelihood that it will not be possible to play music or have any other entertainments outside your premises without disturbing your neighbours.

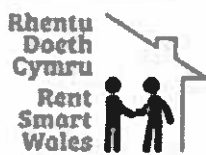
Regards

Dave Jones

Pollution Control Officer | Swyddog Rheoli Llygredd
Public Protection | Diogelu'r Cyhoedd
Environment | Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint

Work Tel | Ffôn Gwaith | 01352 703276
Pollution Control Tel | Ffôn Rheoli Llygredd | 01352 703440
Email | Epost | dave.l.jones@flintshire.gov.uk

<http://www.flintshire.gov.uk> | <http://www.siryfflint.gov.uk>
<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csyfflint>



The Housing (Wales) Act 2014
Do you rent out a property in Wales?
As of the 23rd November 2015 Landlords and agents are now required by law to be registered or licenced. A new law has been introduced in Wales which applies to all landlords and agents of private residential property. If you own, rent out, manage and/or live in a rented property then this law will impact on you. To find out more and to apply Visit www.rentsmart.gov.wales or call 03000 133344

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**Gwasanaeth Tân ac Achub
Fire and Rescue Service**

Simon A. Smith
Prif Swyddog Tân / Chief Fire Officer

licensing@flintshire.gov.uk

Eich Cyf/Your Ref: EJ/KG/50/088404
Ein Cyf/Our Ref: 4th August 2020
Dyddiad/Date: Emily Jamieson
Gofynner am/Ask for:
Rhif Union/Direct Dial:

Dear Sir/Madam

LICENSING ACT 2003

PREMISES: Mountain Park Hotel, Northop Road, Flint Mountain. CH6 5QG

I refer to your application for variation of premises licence dated 21st July 2020 and received on 22nd July 2020 for the premises named above. I write to advise you that the Fire Authority will not be making any representations to the Licensing Authority regarding your application.

Yours faithfully

FIRE SAFETY COMPLIANCE OFFICER

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Plas y Mynydd Bungalow
Llan y Plase
Flint

CH6 5UL

28th July 2020

Chief Officer (Planning, Environment + Economy)
Flintshire County Council
County Hall
Mold
CH7 6NF

Dear Sirs

Re: Application by Mr Chan
Mountain Park Hotel, Northop Road.
Application to amend existing licence to allow
background music to be played outside.

I strongly object to the above application. The current noise level is already at the point where I cannot enjoy being outside in my garden. I have to keep my windows closed when inside my home to block out the boom, boom, boom of the music as it is. Don't the ~~the~~ Llan y Plas neighbours deserve some respite from current music noise and the noise of people talking and children shouting and screaming?

Yours faithfully

M. Page 23 Harkey

The Bungalow
Lon Y Plas
Flint Mountain
Flintshire
CH6 5UL

Andrew Farrow
Chief Officer (Planning, Environment & Economy)
Flintshire County Council
County Hall
Mold
CH7 6NF

10th August 2020

Dear Sir

Mountain Park Hotel, Northop Road, Flint
Application to Amend the Existing Licence to Allow Background Music to be Played Outside
Hours of Operation Monday to Sunday 12.00 to 22.00

I object very strongly to the granting of this application on the grounds of noise pollution. We live in the bungalow next door and are currently in the process of completing a nuisance record form (Ref. DLJ207586) with regard to the unacceptable noise levels emanating from the Mountain Park Hotel. On top of the loud disco type music which in no way can be described as background music, we have a beer garden that includes a [REDACTED] 12 foot bouncy slide and children's play area. At present we have to put up with the noise of two to three hundred people drinking and shouting, children screaming and yelling, dogs barking and that's on top of the music. No longer can we enjoy summer days relaxing in the garden or meals outside on the patio or in the summer house. In fact, when the noise is at it's highest, usually in the evening when people have had a few drinks, we go inside the house and close the windows to gain some relief. We can still hear the row over the television. On the evening of 24th July the crowd noise could still be heard up to 22.50 hrs making sleep impossible.

We were awoken on Sunday 2nd August at 07.30 hrs by workmen erecting the steel skeleton for a very large marquee in the beer garden and this addition has made it possible to continue serving meals and drinks during periods of inclement weather. During the previous weekend from 31st July and 2nd August and 7th August to 9th August, both periods of hot and sunny weather, life and the noise levels have become intolerable and we had to leave home to gain relief. The overall situation is having a detrimental affect on our health by causing stress and anxiety to the extent that we can't see an end to our misery and that its getting worse as the venue gains more popularity and makes one fear what the future holds for my wife and myself.

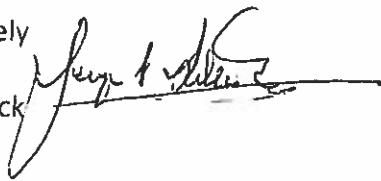
Since this situation arose in mid July when restaurants and pubs were allowed to open outside, the noise has steadily increased and try as I have to put intolerable noise out of my mind, its been impossible to do so.

Last Tuesday I had a telephone consultation with the doctor regarding my inability to get a good nights sleep (I keep waking up fearing and worrying about the situation and how unfair and inconsiderate the whole issue is). The doctor prescribed 7 sleeping tables (Zopiclone) with a warning to only take one when absolutely necessary as they can become additive. I took one last Monday, but it had little effect and I'm still suffering from sleep deprivation.

As a matter of urgency, I request procedures to monitor the noise levels be actioned that will result in a visit by the environment planning and town counsellors would be welcomed.

Yours sincerely

George Silcock

A handwritten signature in black ink, appearing to read 'George Silcock', written over a horizontal line.

NUISANCE RECORD FORM

Ref: DLJ207586

Please see Reverse for Advice on Completing Form

Type of Nuisance: *Noise from newly constructed beer garden area*

Name of Person Responsible for Nuisance: *THE MANAGER - MOUNTAIN PARK HOTEL*

Address from Which Nuisance is Emitted: *THE MOUNTAIN PARK HOTEL, NORTHOP ROAD, FUNT MOUNTAIN, CH6 5QC*

Address of Person Responsible for Nuisance: (if different from above) *AS ABOVE*

DETAILED DIARY OF OCCURRENCES CONSIDERED TO BE A NUISANCE

DATE	START TIME	FINISH TIME	HOW DID THE NUISANCE AFFECT YOU	TYPE OF NUISANCE	WAS NUISANCE NON-STOP OR INTERMITTENT
16/07/20	10.30	21.30	UNABLE TO ENJOY GARDEN	LOUD DISCO BEAT MUSIC PEOPLE SHOUTING	Non-Stop
18/07/20	10.30	22.00	UNABLE TO USE SUMMER HOUSE	CHILDREN SCREAMING ON GIANT BOUNCY SLIDE	Non-Stop
19/07/20	12.30	21.30	UNABLE TO ENTERTAIN ON PATIO	LOUD MUSIC AND DRUNKEN SHOUTING	Non-Stop
21/07/20	12.30	22.00	UNABLE TO EAT AL FRESCO, ^{HAD TO GO} INDOORS	LOUD MUSIC, CHILDREN SCREAMING, PEOPLE SHOUTING	Non-Stop
24/07/20	12.30	22.50	UNABLE TO WATCH TV WITHOUT CLOSING WINDOWS & RAISING VOLUME	BEER GARDEN VERY BUSY, NOISE LEVELS VERY HIGH	Non-Stop
25-26/7/20	12.30	22.00	BECAME STRESSED OUT DUE TO NOISE, UNABLE TO RELAX. HAD TO GO OUT FOR RELIEF	CHILD'S PLAY AREA VERY BUSY, SCREAMING & SHOUTING	Non-Stop
31/7/20	12.30	22.00	UNBEARABLE NOISE, WORSE YET. HAD TO GO INSIDE & CLOSE WINDOWS	DRUNKEN SHOUTING, SCREAMING CHILDREN, DOG BARKING	Non-Stop
02/08/20	07.30	12.30	AWOKEN BY WORKMEN ERECTING STEEL FRAME FOR GIANT MARQUEE	WORKMEN EARLY BY WORKMEN PUTTING UP MARQUEE	Non-Stop
07/08/20	12.30	22.00	UNBEARABLE NOISE, RESULTING IN ANXIETY & STRESS	LOUD MUSIC BEAT, SHOUTING, CHILDREN SCREAMING	Non-Stop
08/08/20	12.30	22.00	UNABLE TO RELAX, HAD TO GO OUT FOR SOME PEACE & ESCAPE NOISE	LOUD MUSIC, SHOUTING, & CHILDREN SCREAMING	Non-Stop
09/08/20	12.30	22.00	WHEN WE THOUGHT IT COULD NOT GET ANY WORSE IT HAS! HORRENDOUS CROWD NOISE AS THERE WAS APPROX. 200-300 PEOPLE IN BEER GARDEN, RESULTING IN INCREASED ANXIETY & UNABLE TO SLEEP.	LOUD BEAT MUSIC, SHOUTING, & CHILDREN SCREAMING	Non-Stop

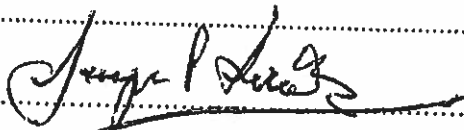
Complainant's Name and Address
PLEASE PRINT

.....
 MR GEORGE SUCCOCK

 NEW BUNGALOW, LON-Y-PLAS, FUNT MOUNTAIN

..... POST CODE CH6 5UL

Signature:.....



Date: 10/08/2020

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

cctv and doormen

b) The prevention of crime and disorder

cctv and doormen

c) Public safety

cctv and doormen

d) The prevention of public nuisance

cctv and doormen

Continued from previous page...

e) The protection of children from harm

cctv and doormen

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