

LICENSING SUB-COMMITTEE

30 JUNE 2022

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Remote meeting on Thursday, 30 June 2022

PRESENT: Councillor Rosetta Dolphin (Chair)

Councillors: Rob Davies and Richard Lloyd

Legal advisor to the Sub-Committee:

Matthew Powell (Solicitor for the Council)

Officers of the Council:

Rachael Hughes (Licensing Officer) and Maureen Potter (Democratic Services Officer)

On behalf of the Applicant (TH UK & Ireland Limited):

Mr Matthew Williams (Regional Manager)

Interested Parties:

Mr Alex Boffey (spokesperson for local residents)

4. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

5. APPLICATION FOR A PREMISES LICENCE

The Licensing Officer presented a report to consider and determine an application for a Premises Licence submitted by TH UK & Ireland Limited. The premises concerned was Tim Hortons, Broughton Retail Park, Broughton, Flintshire, CH4 0DP and the location was shown in Appendix A of the report.

The Licensing Officer advised that the application was for a new Premises Licence (non-alcohol). The applicant had applied for late night refreshment indoors and outdoors and the playing of recorded, unamplified music indoors only. The application forms and plans were attached as Appendix B of the report. The hours applied for late night refreshment indoors and outdoors were Monday to Sunday 00.00 hours to 00.00 hours. The hours applied for recorded, unamplified music indoors were Monday to Sunday 00.00 hours to 00.00 hours. The Licensing Act 2003 defines the provision of late night refreshment as the supply of hot food and hot drink between the hours of 11.00 pm and 5.00 a.m. Provision made before 11.00 p.m. or after 5.00 a.m. does not require a licence.

Flintshire County Council, Social Services Safeguarding Unit have confirmed they have no safeguarding concerns. North Wales Police have advised they have no representations to the application. Representations had been received from interested parties and these were attached as Appendix C to the report. It was clarified with some of the interested parties that the application did not include the sale or supply of alcohol.

North Wales Police were asked to comment on the points made in the letters of representation concerning anti-social behaviour and public order. North Wales Police confirmed that since 2022 there had been one incident relating to Tim Hortons which was a concern for safety and not related to the premises itself. The only other event in the area related to an incident at 11pm on McDonald's Car Park involving 2 cars and security was called, however, they could not see any cars and did not know of any. North Wales Police also confirmed there were no reports from the Vickers Way postcode (CH4 0FX) for the whole of 2022, and that figures quoted on their public website were for the whole ward of Broughton North East which included Tim Hortons premises and a much wider area.

The steps that the applicant intends to take to promote the four licensing objectives were set out in Appendix D of the report.

The Chair invited Mr Matthew Williams, Regional Manager, to speak on behalf of the Applicant. Mr Williams provided background information and explained that the premises Tim Horton's at Broughton Retail Park, was currently trading 6.00 a.m to 11.00 p.m daily and a premises licence was being sought to enable the business to operate 24 hours from 6.00 a.m. to midnight for late night refreshment indoors and outdoors (drive through – cars only), and from midnight outdoors (drive-through) trading only. Mr Williams cited a McDonalds restaurant which was operating 24 hours in the same area and said Tim Hortons wished to offer the same service as an alternative provision to the general public.

The Chair invited Mr Alex Boffey to speak on behalf of the local residents who had made objections to the application. Mr Boffey said that local residents had raised a number of issues regarding anti-social behaviour, increased traffic due to cars, lorries and trucks, increased noise, general disturbance, lighting and litter. He said these matters had been raised with North Wales Police, the local Member of Parliament, and Flintshire County Council since 2018.

The Chair invited Mr Williams to respond to the concerns which had been by raised by local residents. Mr Williams said he would take steps to address any potential problems of increased noise levels or disturbance by distributing leaflets and posters to ask that people be respectful of local residents and would work with North Wales Police and the local community to resolve any problems that may arise.

Councillor Richard Lloyd said there was a gap in the hedge in front of the entrance to Tim Hortons and people were parking on the road and using the gap as a short cut to avoid the car park and this needed to be addressed. Councillor Lloyd also commented on the problem of litter around outside areas and said this needed to be monitored regularly to ensure a clean and tidy appearance was maintained by all fast-food outlets in the area.

Mr. Williams responded to the concerns expressed by Councillor Lloyd. In response to a further question he also provided information on the security arrangements at the Tim Horton premises.

The Solicitor questioned Mr Williams about the CCTV and alarm systems in place on the premises and the procedures to address any potential incidents that may arise. The Solicitor also questioned Mr Williams about the issues which

had been raised by local residents. Mr Williams said he would meet with residents to discuss any concerns they had to resolve as quickly as possible.

The Solicitor asked the Licensing Officer if other premises were licensed for late night refreshments in the area. The Licensing Officer advised that McDonalds had a premises licence for late night refreshment Monday to Sunday 11.00 p.m. to 5.00 a.m. The Licensing Officer confirmed that all the responsible authorities had been notified and no comments had been made.

The Solicitor questioned Mr Boffey about the information he had provided in his letter of objection concerning local crime figures and sought clarification of the period the data related to. Discussion also took place regarding the location of the premises site as shown in Appendix A of the report and the proximity to local residences.

When the Chair was satisfied that all relevant questions had been raised, all those present, with the exception of the Chair, Committee Members, Solicitor and Democratic Services Officer, were removed from the meeting to enable the Committee to reach a decision.

Following consideration of all the representations and legal advice from the Council's Solicitor, the Licensing Officer, Mr Williams, and Mr Boffey were invited to return to the meeting so it could be reconvened.

The Chair read out the decision which had been determined by the Sub Committee as follows:

The Sub-Committee has assessed the application and the proposed operating schedule against the licensing objectives and has had regard to the Council's policy and the statutory guidance.

The Sub-Committee considered the representations made by the residents. The Sub-Committee felt that the concerns were primarily a fear of problems that might arise and there was no clear evidence that the concerns were connected to the current or proposed operation.

Weight has been given to the fact that there had been no representations from any responsible authority including North Wales Police who confirmed that there had been no reports from the immediate area in 2022.

The Sub-Committee took into account the explanation as to how the premises would operate being drive through only between 12.00 p.m. and 6.00 a.m, its location near other similar operations, and the steps the Applicant explained would be taken to promote the licencing objectives.

The Sub Committee resolved to grant the application subject to the conditions in the operating schedule (including those detailed below) and the mandatory conditions set out in the Licensing Act 2003.

Conditions consistent with the Operating Schedule:

- The premises shall maintain a modern comprehensive CCTV system covering all entry and exit points

- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external areas
- All recordings shall be stored for a minimum period of 30 days and shall be made available upon the request of Police or Local Authority.
- Notices shall be prominently displayed requesting customers to respect the needs of local residents and businesses and leave the area quietly

The Sub Committee also asked that the Applicant give consideration to closing the gap in the hedge near the front entrance to the premises to deter vehicles being parked on the road and people gaining access through the hedge.

It was noted that the Applicant and interested parties had a right of appeal and that any appeal must be lodged at the Magistrates' Court within 21 days of the date of notification of the decision.

The Chairman thanked all those present for their attendance and advised that the decision would be confirmed in writing.

RESOLVED:

That the Sub Committee resolved to grant the application subject to the conditions in the operating schedule (including those detailed above) and the mandatory conditions as set out in the Licensing Act 2003.

6. MEMBERS OF THE PUBLIC IN ATTENDANCE

There were no members of the public in attendance.

(The meeting started at 10.00 a.m. and ended at 10.48 a.m.)

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Chairman