

## LICENSING SUB-COMMITTEE

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| <b>Date of Meeting</b> | Thursday, 30 <sup>th</sup> June, 2022            |
| <b>Report Subject</b>  | Application for a Premises Licence               |
| <b>Report Author</b>   | Chief Officer, Planning, Environment and Economy |

### EXECUTIVE SUMMARY

For Members to consider and determine an application for a Premises Licence by TH UK & Ireland Limited, Fortune House, Crabtree Office Village, Eversley Way, Egham, Surrey, TW20 8RY

### RECOMMENDATIONS

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| 1 | That Members consider and determine the application for a Premises Licence by TH UK & Ireland Limited. |
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### REPORT DETAILS

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| <b>1.00</b> | <b>EXPLAINING THE APPLICATION</b>   |
| 1.01        | The premises concerned is Tim Hortons, Broughton Retail Park, Broughton, Flintshire, CH4 0DP. Its location can be seen in Appendix A  |
| 1.02        | The applicant is TH UK & Ireland Limited.   |
| 1.03        | The application is for a new Premises Licence (non- alcohol).   |
| 1.04        | The applicant has applied for late night refreshment indoors and outdoors, and the playing of recorded, unamplified music indoors only. The application form and plans can be seen in Appendix B. |

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| 1.05 | <p>The hours applied for late night refreshment indoors and outdoors are Monday to Sunday 00.00 hours to 00.00 hours.</p> <p>The hours applied for recorded, unamplified music indoors are Monday to Sunday 00.00 hours to 00.00 hours.</p>  |
| 1.06 | The Licensing Act 2003 defines the provision of late night refreshment as the supply of hot food and hot drink between the hours of 11pm and 5am. Provision made before 11pm or after 5am does not require a licence.  |
| 1.07 | Flintshire County Council, Social Services Safeguarding Unit have confirmed they have no safeguarding concerns.  |
| 1.08 | North Wales Police advised no representations to the application.  |
| 1.09 | Representations were received from Interested Parties and these can be seen in Appendix C.   |
| 1.10 | It has been clarified in writing with some of the interested parties where appropriate, that the application does not include the sale or supply of alcohol.   |
| 1.11 | North Wales Police were asked to comment on the points made in the letters of representation concerning anti-social behaviour and public order. They confirmed that since 2022 there has been one incident relating to Tim Hortons and that was a concern for safety and not actually 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 when security was called, but they could not see any cars and did not know of any. North Wales Police also confirmed that there are no reports from the Vickers Way postcode (CH4 0FX) for the whole of 2022, and clarified that figures quoted on their public website are for the whole ward of Broughton North East which does include Tim Hortons premises but also a much wider area. |
| 1.12 | The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix D.   |
| 1.13 | The application was advertised in the correct manner   |

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| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>    |
| 2.01        | None in respect of this report. |

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| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b> |
| 3.01        | None required                               |

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

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| <b>5.00</b> | <b>APPENDICES</b>   |
| 5.01        | Appendix A: Location plans<br>Appendix B: Application<br>Appendix C: Representations from Interested parties.<br>Appendix D: Steps the applicant will take to promote the licensing objectives. |

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| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>  |
| 6.01        | The Licensing Act 2003<br><a href="https://www.legislation.gov.uk/ukpga/2003/17/contents">https://www.legislation.gov.uk/ukpga/2003/17/contents</a><br><br>Section 182 Guidance for Licensing Authorities<br><a href="https://www.gov.uk/government/publications/explanatory-memorandumrevised-guidance-issued-under-s-182-of-licensing-act-2003">https://www.gov.uk/government/publications/explanatory-memorandumrevised-guidance-issued-under-s-182-of-licensing-act-2003</a><br><br>Flintshire County Council's Statement of Licensing Policy<br><br><b>Contact Officer: Rachael Hughes, Licensing Officer</b><br><b>Telephone: 01352 702328</b><br><b>E-mail: <a href="mailto:Rachael.hughes@flintshire.gov.uk">Rachael.hughes@flintshire.gov.uk</a></b> |

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| <b>7.00</b> | <b>GLOSSARY OF TERMS</b>   |
| 7.01        | <b>Licensing Act 2003</b> – referred to as the Act.<br><br><b>Premises Licence</b> – 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.<br><br><b>Time limited</b> – its duration is limited to a set date(s) and time(s).<br><br><b>Licensable activities</b> – 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.<br><br><b>Regulated entertainment</b> - is defined as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance. |

**Late night refreshment** – a person provides late night refreshment if at any time between the hours of 11.00pm and 5.00am., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises.

**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.