

**LICENSING SUB-COMMITTEE**

**11 JUNE 2014**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 11 June 2014

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors Jim Falshaw and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Solicitor (Mr P. Evans), Community Protection Manager and Team Manager, Committee Services

**RESPONSIBLE AUTHORITIES:**

Sergeant Steve Arnold, North Wales Police

**INTERESTED PARTIES:**

Mrs G. Faulkner – Resident's representative

Councillor Bernie Attridge – Ward Member

Councillor Paul Shotton – Neighbouring Ward Member

**1. APOLOGIES**

None were received.

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

None were received.

**3. APPLICATION TO VARY A PREMISES LICENCE**

The Community Protection Manager introduced the report which was for a request to vary the Premises Licence of the Albion Hotel, Church Street, Connah's Quay.

There had been a Premises Licence in force at the Albion Hotel since the Licensing Act 2003 took effect in 2005. However, in recent months the business had not been operating but the Premises Licence remained in place as long as the required annual fee was paid to the Licensing Authority.

On 16 April 2014 an application was made to transfer the Premises Licence to Saxon Leisure (NW) Ltd from the previous holder. On the same date an application was also made to vary the Premises Licence from the existing activities as follows:

**Existing Activities**

Live music; recorded music; facilities for making music; facilities for dancing; facilities for entertainment of a similar description:

Monday – Saturday 7.00pm to midnight

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Sunday 7.00pm to 11.00pm

Supply of alcohol:

Monday – Saturday 11.00am to 11.00pm

Sunday Noon to 10.30pm

Good Friday Noon to 10.30pm

Christmas Day Noon to 3.00pm and 7.00pm to 10.30pm

New Year's Eve 11.00am to Midnight

New Year's Day Midnight to 11.00pm

### **Proposed Activities**

Provision of films; indoor sporting events; boxing or wrestling entertainments; live music; recorded music; dance; entertainment of a similar description to music and dance:

Monday – Sunday 10.00am to 2.00am the following morning

Late Night Refreshment:

Monday – Sunday 11.00pm to 2.00am the following morning

Supply of Alcohol:

Monday – Sunday 10.00am to 2.00am the following morning

Opening Hours:

Monday to Sunday 10.00am to 2.00am the following morning

Adult Entertainment:

None

Operating Schedule – nothing additional was included in the application.

Representations had been received from eight local residents, details of which were included in the appendix to the report. In addition, a petition of 180 signatures had also been submitted however petitions were not regarded as relevant representations in the context of the Licensing Act as there was insufficient detail of individual resident's views.

North Wales Police had made representations which were also detailed in the appendix to the report, as was subsequent email correspondence between the applicant and the Police and a location plan of the premises.

The agreed position between the Police and the applicant on activities, days and hours operation was as follows:

Monday, Tuesday, Wednesday, Thursday and Sunday – times as on the existing licence as referred to above.

Friday and Saturday – hours of 10.00am to 2.00am the following morning with no customers to be admitted after midnight. Also, that North Wales Police

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be notified within a reasonable time of any boxing, wrestling or cage fighting events to be held at the premises and for such events to finish at midnight.

### **REPRESENTATIONS BY THE APPLICANT**

Mr Owen provided the Sub-Committee with a background to his experience, explaining that he had been involved in the running of licensed premises for 20 years and currently had four licensed premises on the Wirral where he had an excellent reputation.

A friend of his had purchased the Albion Hotel as a future development opportunity and in the meantime wanted it to be run as a licensed premise. The application had originally been a 'one size fits all' application which could cover any eventuality at the premises.

A meeting at the Albion Hotel had taken place with himself, a Licensing Officer and a representative of the North Wales Police Licensing Department, Mrs Williams, and it was at that meeting that the history of the premises and the previous problems encountered were told to Mr Owen and the owner.

The business model for the future of the Albion Hotel was shared at the meeting, explaining that the target market was for 25 years and over as it was the intention to hire tribute acts and touring bands. At that meeting, Mrs Williams said she was unhappy with the premises closing at 2.00am during the week but Mr Owen had explained that at this stage it was not his intention to open the premises mid week. An agreement had been reached between himself and Mrs Williams on the provision of door supervisors and also a 'lock out' policy at midnight.

He was disappointed that he hadn't been invited to attend a meeting set up by the local residents as he said he could have responded directly to any concerns or issues raised.

In support of his application he added that one of his current licensed premises was on the most violent street in the UK but he had not had any issues of violence or under age drinking.

### **REPRESENTATIONS BY INTERESTED PARTIES**

#### **Mrs G Faulkner**

Mrs Faulkner was in attendance to speak on behalf of the Pen Y Llan Residents Association who had had a meeting on 27 May with approximately 100 residents in attendance, all supporting rejection of the application. She explained the close proximity of the Albion Hotel to the properties on Pen Y Llan Street which was a densely populated residential area.

There was a history of violence, unruly behaviour and under age drinking at the Albion Hotel, all of which had disturbed residents until the early hours of the

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morning which she feared would reoccur if the variation of the licence was approved.

She welcomed the agreed position that the applicant and North Wales Police had come to in relation to the provision of CCTV and Door Supervisors and said she would welcome consideration of the side entrance door onto Pen Y Llan Street being closed.

Both Carl Sargant and Mark Tami had written to the Chief Executive of Flintshire County Council outlining the concerns of the residents.

In the history of complaints, Mrs Faulkner said that a noise abatement notice was served on the Albion Hotel in 2010 however a further complaint of noise was received six months later.

She also referred to an article in the Leader newspaper that day on an incident of a motorist, who had been at the Hare and Hounds Public House which was 100 yards away from the Albion Hotel, failing to stop after an accident which involved alcohol and drugs. The person in question was 25 years old which Mr Owen had said was the target market he was aiming to reach.

#### Councillor Bernie Attridge – Ward Member

As a previous Chairman of the Licensing Committee, Councillor Attridge was surprised that North Wales Police had negotiated with the applicant given the history of anti social behaviour at the premises. He did not want the Albion Hotel to close down but he strongly objected to a 2.00am licence.

There were no other public houses in Connah's Quay which were open until 2.00am and of other premises in the area which had previously applied for a variation of licence, these had been objected to by North Wales Police.

He welcomed that Mr Owen wanted to be on good terms with the residents but felt that the current times of the licence were sufficient.

#### Councillor Paul Shotton – Neighbouring Ward Member

Councillor Shotton said the residents had had peace whilst the Albion Hotel had been closed and since hearing of it being re-opened, there had been un-rest. He suggested that it be opened as a members only club but with the current license times. He also requested that regular drug searches take place.

### **REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

#### North Wales Police

Sergeant Arnold explained that although he covered the area in which the Albion Hotel was situation, he had not been involved in any of the negotiations referred to. On the request for a 2.00am licence, he said this would put a demand on North Wales Police and he understood why the residents and local

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and adjoining ward Members had concerns over that application. He also did not agree with 2.00am.

The concern from the perspective of the Police was that once customers left a public house car park, they were no longer the responsibility of the licensee. He suggested that, as was the case in other public houses, that the Door Supervisors walk around the surrounding areas to ensure that customers had left the vicinity and did not hang around on neighbouring streets.

The Chairman invited Mr Owen to respond to the representations made and he made the following points:

- When people left his premises he considered them to still be his responsibility but he would ensure the door supervisors did as was suggested
- He asked for clarification on the position of Pen Y Llan Street in relation to the Albion Hotel and was shown a map
- The side entrance door was a fire exit but apart from access and egress, he would ensure the door was kept closed
- A members only club was not feasible as it would not attract customers from outside of the area which was his aim
- Drug searches were a standard policy in his premises

The Chairman invited the Solicitor, Mr Evans, to ask any questions.

Mr Evans asked if Mr Owen would have any objection to the wording of the last condition in the letter from North Wales Police (page 20 of the agenda) being amended to say:

The Premises Licence Holder/Designated Premises Supervisor must give at least 14 days advance notice to North Wales Police of any Boxing/Wrestling/Cage Fighting events to be held at the premises.

Mr Owen said he was happy with the suggested amendment to the condition.

In response to a question on the current operating schedule, Mr Owen confirmed that he did not want to change any of the existing conditions in that schedule.

Mr Evans suggested that an Acoustic Engineer be employed to undertake an assessment of the premises for noise disturbance which Mr Owen said he would have done.

Following a question from Councillor Reece, Mr Owen said that financial gain was not worth more than the trust of the local residents and reiterated his earlier point that violence within his current premises was non-existent.

In response to a question from Councillor Falshaw, Mr Owen explained that the protocol in Flintshire was different to any other licence application he had

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been involved with previously which had been accepted by the Licensing Officer and the Police representative.

Councillor Falshaw asked what was the intention of Mr Owen in relation to being Designated Premises Supervisor (DPS) at the Albion Hotel and two other premises on the Wirral. Mr Owen explained that when the Albion Hotel was ready to trade, a Manager would be employed which would be somebody who lived in the vicinity. In relation to the two premises he was already DPS at, both were within 400 meters of his home and because of his reputation with Merseyside Police, they did not object to the situation.

In response to a question from Councillor Falshaw about extreme sports instigating violence, Mr Owen said this would not happen. Appropriate notice of such events would be advertised and he would follow any advice from North Wales Police and the Health and Safety Executive in relation to such events. In addition, a licence would be required and the events would be outsourced to a specialist company to manage.

Councillor Sharps said that on the operating schedule no information had been included. Mr Owen confirmed that this was because he was not requesting any changes to the current operating schedule. The application was to vary the hours and for boxing, wrestling and cage fighting.

### **Summing Up**

#### **Mrs Faulkner**

Mrs Faulkner had nothing further to add but asked Mr Owen if the other premises he managed had houses close by. Mr Owen said that all of his premises were in residential areas.

#### **Sergeant Arnold**

Sergeant Arnold had nothing further to add.

#### **Mr Owen**

Mr Owen said he understood the concerns of the residents and local Members but said their concerns related to issues that had happened in the past, not what was being applied for.

### **DETERMINATION OF THE APPLICATION**

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing.

Residents had expressed deep concern about the impact of noise and disturbance that was likely to occur having regard to the very close proximity of residential properties to the Albion Hotel. There were also a lot of elderly people living in the immediate area. Amplified music was an issue along with the

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behaviour of persons leaving the premises and shouting, arguing, urinating, vomiting, being unruly, etc. in the early hours.

North Wales Police had made representations in relation to crime and disorder issues and there had been a degree of discussion and agreement with the applicant. The Ward Councillor was extremely concerned that the Police had seemed to accept alcohol being sold and recorded music played on Friday and Saturday until 2.00 am the next day. He endorsed the views of residents that such hours were inappropriate in a residential area.

The Police Sergeant who attended the hearing was not the author of the representations submitted to the Licensing Authority but was asked for his viewpoint. He said that there would be additional demands upon Police resources and he did not agree with the 2.00am proposal. He had not been involved in the previous negotiations between his colleague and the applicant so could not explain why his colleague had been prepared to accept this.

Part of the application form to vary the Premises Licence related to the four licensing objectives and invited applicants to describe the steps they intended to take to promote those objectives. There was no information provided here other than the words 'as per current operating schedule'. The Sub-Committee felt that as this application represented significant changes to the existing Premises Licence there should have been much more detail provided here in respect of steps proposed to prevent public nuisance and prevent crime and disorder. Wholly new activities were being proposed such as boxing, wrestling and cage fighting and public safety considerations also needed to be considered.

The Sub-committee listened to and accepted the applicant's submissions as to his experience related to licensed premises, proposed style of operation, and the correspondence with the Police. On balance, however, they felt that the impact upon residents in the vicinity in general and in particular those in the terraced properties that were a matter of metres from the Albion Hotel were too significant to grant the licence as applied for.

## **DECISION**

The Community Protection Manager, the applicant, North Wales Police and interested parties were invited to return to the meeting.

The Chairman explained that the Sub-Committee had determined the following:

### **Supply of Alcohol**

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Monday – Saturday	11.00am to midnight
Sunday	Noon to 11.00pm
Good Friday	Noon to 11.00pm
Christmas Day	Noon to 3.00pm and 7.00pm to 10.30pm
New Year’s Eve	11.00am to Midnight
New Year’s Day	Midnight to 11.00pm

Regulated Entertainment – comprising of the provision of films; indoor sporting events; boxing or wrestling entertainments; live music; recorded music; performances of dance and anything of a similar description to live music, recorded music or performances of dance

Monday – Saturday	7.00pm to 11.30pm
Sunday	7.00pm to 10.30pm
Good Friday	7.00pm to 10.30pm
Christmas Day	7.00pm to 10.00pm
New Year’s Eve	7.00pm to 11.30pm

Provision of Late Night Refreshment

Monday – Saturday	11.00pm to midnight
New Year’s Eve	11.00pm to midnight

Additional Licence Conditions (as previously agreed with North Wales Police and during the Sub-Committee hearing)

1. Door Supervisors shall be provided and be Security Industry Authority registered
2. Door Supervisors must wear high visibility jackets/armbands and must sign in and out in a register provided at the premises using their full 16 digit licence number
3. Door Supervisors will commence duty at 9.00pm on a Friday, Saturday and any Bank Holiday and remain on duty until the closure of the premises. At any time an event is held during the daytime, Security Industry Authority registered door supervisors must be employed throughout the event
4. The Premises Licence holder and Designated Premises Supervisor shall ensure that appropriate measures are implemented to prevent the removal of bottles or glasses from the premises
5. Additional CCTV condition – There must be a minimum of two staff trained in the use of the CCTV system and available to download images at the request of the Police or Local Authority
6. The Premises Licence holder or Designated Premises Supervisor must notify North Wales Police at least 14 days prior to any boxing, wrestling, cage fighting or events of a similar description that are held at the premises

The Chair indicated that after the premises had been in operation for six months, it was it was open to the applicant to make a fresh application to vary the

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premises licence so that matters could be reconsidered in the light of operating the premises.

**RESOLVED:**

That the licence be granted in accordance with the details above.

**4. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were two members of the press and eight members of the public in attendance.

(The meeting started at 2.00 pm and ended at 4.05 pm)

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