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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr Tony Sharps (Chairman)

CS/NG

Councillors: David Cox and Jim Falshaw

27 May 2015

Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 2ND JUNE, 2015** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **APPLICATION TO VARY A PREMISES LICENCE** (Pages 3 - 18)

To request that Members consider and determine an application for Variation of Premises License at Y Delyn Wine Bar, 3 King Street, Mold

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING SUB-COMMITTEE**

DATE: **TUESDAY, 2 JUNE 2015**

REPORT BY: **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

SUBJECT: **APPLICATION TO VARY A PREMISES LICENCE**

1.00 PURPOSE OF REPORT

1.01 To request that Members consider and determine an application for Variation of Premises Licence at Y Delyn Wine Bar, 3 Kings Street, Mold.

2.00 BACKGROUND

2.01 The premises concerned is Y Delyn Wine Bar, 3 King Street, Mold, CH7 1LA. Its location can be seen in Appendix 1.

2.02 The applicant is Martina Kavanagh.

2.03 The application was advertised in the correct manner.

3.00 CONSIDERATIONS

3.01 The application is to vary an existing premises licence.

3.02 Currently the premises is licensed for alcohol:
Monday to Saturday 10:00 to 01:00
Sunday 12:00 to 23:30

3.03 The premises current hours for live music:
Wednesday 21:30 to 23:00

3.04 The premises has been able to provide live music at other times by virtue of the Live Music Act which permits live music up until 11:00 pm without a licence.

3.05 The licence holder has applied to vary their current licence to extend their licence for Live Music and add Plays, Films and Recorded Music to their licence.

3.06 The hours requested for all activities are as follows:
Monday to Sunday 1:00 pm to 1:00 am

3.07 Representations were received from Alan Spaven who is a neighbour of the Y Delyn Wine, Flintshire County Council's Pollution Control Section and two local residents. These can be seen in Appendix 2, 3, 4, 5 respectively.

3.08 Mediation was attempted but was unsuccessful.

3.09 Alan Spaven notified the Licensing Section indicating that he wished to amend his original representation. This can be seen in Appendix 6.

3.10 In the same e-mail shown in Appendix 6, Alan Spaven indicated that he would not be attending the sub-committee hearing.

3.11 A petition relating to the Y Delyn wine bar variation application was received by the Licensing Section from the applicant. This will be available to view at the hearing.

4.00 RECOMMENDATIONS

4.01 That Members determine the application to vary the Premises Licence at Y Delyn Wine Bar, 3 King Street, Mold.

5.00 FINANCIAL IMPLICATIONS

5.01 None in respect of this report.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 See attached

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Licensing Act 2003
Section 182 Guidance for Licensing Authorities
Flintshire County Council's Statement of Licensing Policy

Contact Officer: James Lowe
Telephone: 01352 703376
Email: james.lowe@flintshire.gov.uk

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Appendix 1

Welcome, Guest

DELYN WINE BAR, 3 KING : Search

Map Centre Help Link Print Sign In

Maps defaultmap Tools

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Appendix 2

Alan Spaven

5 King Street

Mold

Flintshire

CH7 1LA

April 16th 2015

Re: Y Delyn Wine Bar, Licence Extension.

Dear Sir/Madam,

I am writing to object to the proposed change to the licence of Y Delyn Wine Bar, 3 King Street, Mold. I live with my family above our business premises at 5 King Street which adjoins the property above. We have had noise problems from Y Delyn for several years which has increased since the smoking ban was introduced as an area at the rear changed from a storage area to a small beer garden, which is under our landing area and very close to our lounge. This area is not monitored and we encounter noise from it on a regular basis, it is always open until closing time. We have tried to approach the owner on several occasions but have been met with the attitude of "live with it"

As live music is allowed to continue after the current licence of 11pm I feel that allowing a 1am finish would lead to more noise problems as the rear area noise increases on these evenings. Live music is also heard clearly from all bedrooms at the front of our property. We have installed a triple glazed window at the rear of our lounge (loud talking etc can still be heard) but as the front of our property is in a conservation area we cannot install PVC double glazing.

We have been working with environmental health and licencing to hopefully get the problem resolved.

Yours faithfully,

Alan Spaven

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Y Delyn and Boars Head applications

Phil J Foster to: James Lowe

08/05/2015 09:41

Hi James

I would like to make the following comments regarding these Licence Applications:

Boars Head 17 Chester Street Mold.

I have no objections to this application provided that the following condition applies:

No activities associated with this licence shall take place outside the rear of the building unless and until a scheme to protect the adjacent flats and their amenity areas from noise from the external dining area, has been submitted to and approved by the Licencing Authority.

In order to prevent the occurrence of nuisance.

Y Delyn Wine Bar, 3 King Street Mold

The Pollution Control section is currently investigating complaints regarding excessive, late night, noise from the outside, rear, smoking area of Y Delyn. It has not been possible to substantiate that the noise currently emitted is a nuisance. The investigations are continuing. I have no objections to the granting of this licence regarding music. The use of the rear smoking area could be restricted by a condition limiting its hours of use or restricting its later use to be only under supervision of registered door staff, restriction of the numbers of people using the area after a certain time, or similar restrictions with the aim of minimising any disturbance to residential neighbours.

Best regards

Phil Foster

Environmental Health Officer | Swyddog Iechyd yr Amgylchedd
Environmental Protection | Diogelu'r Amgylchedd
Environment | Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint

Tel | Ffôn | **01352 703397**
Mob | **07788184370**
Email | Epost | phil.foster@flintshire.gov.uk

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

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Appendix 4



Personal representation - Y Delyn Wine Bar, Mold
Charlotte Sykes to: licensing@flintshire.gov.uk

12/05/2015 19:09

History:

This message has been forwarded.

To whom it may concern,

It is my understanding that there is some controversy currently concerning the renewal of a late night music licence for the Y Delyn Wine Bar in Mold. Having already signed a petition; I am writing to personally express my concern at the threat to what is surely one of Mold's most treasured institutions.

I did not know immediately about this issue, but once I was informed, it took me just moments to learn about the situation through the Delyn diaspora. For we who have been lucky enough to be initiated into the Wine Bar family are forever related. Having worked behind the bar of this mythic place for over 10 years, I consider myself a very close relation. I no longer live in Mold, nor have I visited the Wine Bar frequently in recent years and yet it lives in me. I, like so many others, have been irreversibly touched by the Wine Bar and its custodians, the Kavanagh family.

The haven of sophistication that the late Richard Kavanagh, his wife Eileen and daughter Martina have created is unique to Mold, to North Wales and probably the country. Spreading a culture of openness and diversity, the Delyn is an essential redeeming feature of Mold's otherwise barren night time dynamic. Together with the theatre, the Wine Bar (often a second home for visiting actors) makes Mold an interesting place.

Not only has the Wine Bar proved a stable local employer for many decades, it also brings new people to Mold, who no doubt have a positive economic impact on other businesses in the town too. It is worthy of regular visitors from other widely recognised cultural hubs, such as Manchester and Liverpool, and its globally inspired menu has drawn various media attentions.

In addition to all this is the music. Music is and has always been, the lifeblood of the Wine Bar and by extension, Mold. In 2000, I was lucky enough to be able to launch an open mic music night at the Delyn. The event drew cross-generational crowds from a range of musical and cultural backgrounds. Wednesday nights became a new, vibrant mid-week rendez-vous in Mold, thanks to the weekly music night.

Since then, under Martina Kavanagh's management, the Wine Bar, and by extension Mold, has become a notable music destination with numerous music events, each more popular than the other, once again drawing audiences and visitors from a wide range of locations and demographics.

This diversity and openness, so unique to the Delyn, is what makes it so much more than a bar. Together with his wife Eileen, the late Richard Kavanagh created the special ambiance at the Delyn - a vehicle through which to share his special outlook. For him, it was a safe haven, a retreat, a different world for him to share with his family, his staff, with Mold. Richard loved music, jazz especially, and was never so happy as when he was propping up the end of his bar, listening and watching others listen to the music his bar was providing.

Mold needs the Wine Bar; to sacrifice it would be disastrous for the town and its population.

Martina Kavanagh must be allowed to continue Richard's legacy. In his honour, the Wine Bar must be granted a late night music licence so that it can continue to respectfully deliver cultural diversity to Mold, to employ

its local people and draw visitors from afar to discover how interesting a place Mold can be.

I remain at your entire disposal should you require further information, or should I be able to help further in any way.

Yours sincerely,

Charlotte Sykes
07801 539641

Appendix 5



Y Delyn, Mold - extension of live entertainment hours
Tracey Gilliland to: licensing@flintshire.gov.uk

06/05/2015 13:45

History:

This message has been forwarded.

I wish to support the application by Y Delyn Winebar, Mold to extend it's entertainment licensing hours until 1pm. It is situated away from residential areas and therefore unlikely to be a disturbance. It is also important to support local independent businesses and there protect the future viability of Mold Town Centre.

Mrs Tracey Gilliland
130 chester road
Mold

Sent from my iPhone

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Appendix 6



Re: Y Delyn Wine Bar
info to: james.lowe

06/05/2015 13:28

History: This message has been replied to.

Hi James,

Further to a discussion as a family we have decided not to attend the sub committee hearing as we feel the pressure of objecting to the lam music license to much to deal with as we have been subjected to a lot of unfair comments in the petition set up by the Wine Bar.

We would like to not challenge the lam music but would like restrictions on the rear area, we know this has been offered and rejected.

We would like to thank yourself and Phil for all your advice and help with this problem.

Regards
Alan

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