

## LICENSING SUB COMMITTEE

<b>Date of Meeting</b>	Thursday, 24 September 2020
<b>Report Subject</b>	Licensing Act 2003 - Application for variation of a Premises Licence
<b>Report Author</b>	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

<b>1.00</b>	<b>EXPLAINING THE APPLICATION</b>
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 &amp; 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 11<sup>th</sup> 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 24<sup>th</sup> 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"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <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.

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

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

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

<b>5.00</b>	<b>APPENDICES</b>
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>

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

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Licensing Act 2003</b> – referred to as the Act.</p> <p><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.</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.