

## LICENSING SUB-COMMITTEE

<b>Date of Meeting</b>	Tuesday, 28 February 2023
<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 variation application made under the Licensing Act 2003, in respect of Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD.

### RECOMMENDATIONS

1	That Members consider and determine the application for variation of a premises licence at Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD.
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## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE APPLICATION</b>
1.01	The premises concerned is Herons Lake Retreat, Caerwys Hill, Caerwys, Flintshire CH7 5AD. Its location can be seen in Appendix A.
1.02	The applicant is Herons Lake Retreat Ltd.
1.03	<p>The premises currently hold Premises Licence PA0829 which allows :-</p> <p>The supply of alcohol for consumption off the premises (for an on-site shop).</p> <p>Monday to Thursday 09.00 – 22.30 Friday &amp; Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p>
1.04	<p>The variation application is to change the sale of alcohol to ‘on and off sales’. To add a Tipi to the licensed area, which will have a small bar inside and an external seating area. The variation also includes adding recorded music to the licence.</p> <p>The times applied for are:-</p> <p>Recorded music Monday to Thursday 09.00 – 22.30 Friday &amp; Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p> <p>Sale of Alcohol Monday to Thursday 09.00 – 22.00 Friday &amp; Saturday 09.00 – 23.00 Sunday 10.00 – 22.00</p> <p>Christmas Eve and New Year’s Eve until midnight</p> <p>No application is made to amend the current hours of operation or licensable activities nor in relation to the other conditions endorsed upon the Licence.</p>
1.05	If granted, the area will then benefit from the provisions of the Live Music Act and Deregulation of Regulated Entertainment. This will allow Regulated Entertainment within the licensed area from 08.00am until 11.00pm daily without the need for a separate licence.
1.06	A plan to identify the position of the Tipi is shown as Appendix B
1.07	Representations have been received from Flintshire County Council’s Pollution Control Section on 6 <sup>th</sup> February 2023. These can be seen in Appendix C.
1.08	Letters of objection were received from local residents and these can be seen in Appendix D.

1.09	There were no objections from any further responsible Authorities.
1.10	The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix E.
1.11	The application was advertised in the correct manner.

<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.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	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	Appendix A: Location plan Appendix B: Site plan showing the position of the Tipi Appendix C: Representations from Pollution Control Appendix D: Letters of representations from residents Appendix E: Operating Schedule

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Licensing Act 2003 Section 182 Guidance for Licensing Authorities  <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>  Flintshire County Council's Statement of Licensing Policy  <a href="https://www.flintshire.gov.uk/en/PDFFiles/Licensing/Statement-of-Licensing-Policy.pdf">https://www.flintshire.gov.uk/en/PDFFiles/Licensing/Statement-of-Licensing-Policy.pdf</a>  <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>

7.00	<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> <p><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.</p> <p><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</p> <p><b>Late night refreshment</b> – 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.</p> <p><b>Supply of alcohol</b> – 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.</p> <p><b>Licensing Objectives</b> - 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.</p> <p><b>Live Music Act</b> – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.</p> <p><b>Deregulation of Regulated Entertainment</b> – Exemptions for some entertainments to be licensed under the Licensing Act 2003. Including, live music, recorded music, plays, indoor sporting events and performances of dance. Restrictions apply.</p> <p><b>Responsible Authorities</b> – These are statutory bodies which are able to comment on applications made under the Licensing Act. They can make representations about the grant or variation of a licence. They can also apply for licence reviews in their own right.</p>