

LICENSING SUB-COMMITTEE

Date of Meeting	Tuesday, 30 November 2021
Report Subject	Licensing Act 2003 - Application for Variation of a Premises Licence
Report Author	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 George & Dragon, Church Street, Flint, Flintshire CH6 5AD.

RECOMMENDATIONS

1	That Members consider and determine the application for variation of a premises licence at George & Dragon, Church Street, Flint, Flintshire CH6 5AD.
---	---

REPORT DETAILS

1.00	EXPLAINING THE APPLICATION
1.01	The premises concerned is George & Dragon, Church Street, Flint, Flintshire CH6 5AD. Its location can be seen in Appendix A.
1.02	The applicant is Marston's Plc and their agent is John Gaunt & Partners.
1.03	The premises currently hold Premises Licence PA0382 which allows :- The supply of alcohol on and off the premises Sunday to Thursday 07.00am until 01.00am Friday and Saturday 07.00am until 02.00am New Years Eve 24 hours

	<p>Plays, films, indoor sporting events, live music, recorded music, dance (indoors only) Sunday to Thursday 09.00am until 01.00am Friday and Saturday 09.00am until 02.00am New Years Eve 24 hours</p> <p>Late Night Refreshment Sunday to Thursday 11.00pm until 01.00am Friday and Saturday 11.00pm until 02.00am New Years Eve 11.00pm – 05.00am</p>
1.04	<p>The variation application is to add to the licensed plan, an external area to the rear of the premises. This will be used as an extended beer garden, which has historically been used in part as a beer garden, car park space and landscaped area.</p> <p>This will include a new external bar facility which will allow on sales in the area.</p> <p>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 external area from 08.00am until 11.00pm daily.</p> <p>The applicant has also requested that a condition on the existing premises licence be removed. This condition states, “There shall be no amplified music in the smoking area” on successful grant of the variation this would contradict the provisions of the Live Music Act.</p> <p>The applicant has offered to have an additional condition added to the licence which will read “The external bar will be manned at all times of use and will be secured when not in operation.”</p> <p>It has been noted on the application that it is expected that licensable activities will generally cease externally at 22:00 hours.</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	Plans to identify the existing licensed outside area are shown as Appendix B.
1.06	A plan to show the proposed new outside area is shown as Appendix C
1.07	Representations have been received from Flintshire County Council’s Pollution Control Section on 22 nd October 2021. These can be seen in Appendix D.
1.08	North Wales Police responded to the variation application on 21 st October 2021. The email made no objection to the application, but asked for additional conditions in relation to maintaining an Incidents and Refusals book, to ensure a stringent cleaning process and consideration of safety glassware, to ensure the beer garden will be supervised at all times and ensure that sound generated is not excessive. The applicant has agreed to

	these conditions being attached to the existing licence therefore NWP have confirmed they will not be attending the hearing. Please see Appendix E.
1.09	North Wales Fire and Rescue Service responded on 11 th October 2021 and have confirmed in writing that they will not be making any representations to the Licensing Authority regarding the application. Their letter can be seen in Appendix F
1.10	Letters of objection were received from local residents and these can be seen in Appendix G.
1.11	The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix H.
1.12	The application was advertised in the correct manner.

2.00	RESOURCE IMPLICATIONS
2.01	None in respect of this report.

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

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

5.00	APPENDICES
5.01	Appendix A: Location plan Appendix B: Existing Licensed Plan Appendix C: Proposed New Area Appendix D: Representations from Pollution Control Appendix E: North Wales Police Proposed conditions Appendix F: Letter from Fire and Rescue Service Appendix G: Letters of representations from residents Appendix H: Operating Schedule

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

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – 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>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.</p> <p>Regulated entertainment - 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>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.</p> <p>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.</p> <p>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.</p> <p>Live Music Act – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.</p> <p>Deregulation of Regulated Entertainment – 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>