



Committee and Date
Licensing Act Sub-Committee
Tuesday 17th September 2013
10.00am

Item
3
Public

LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE

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1.0 Summary

- 1.1 **Premises:** A location plan is attached to the report as Appendix A.
- 1.2 The purpose of this report is to consider an application for a new Premises Licence for the premises Empire Cupcakery, 5 Roushill Shrewsbury SY1 1PQ.
- 1.3 Shropshire Council being the authorised licensing authority for the above premises has received an application for a premises licence.
- 1.4 The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.
- 1.5 In determining the application the licensing authority must give appropriate weight to:
- the steps that are necessary to promote the licensing objectives;
 - the representations (including supporting information) presented by all parties;
 - guidance issued under Section 182 of the Licensing Act 2003;
 - the Shropshire Council Licensing Policy .
- 1.6 After considering all the relevant issues the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Conditions imposed must be necessary for the promotion of the licensing objectives.
- 1.7 Alternatively the application can be refused if it is considered appropriate for the promotion of the objectives. It may also only allow certain requested licensable activities.

- 1.8 Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.
- 1.9 All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2.0 Recommendations

- 2.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.
- 2.2 That the Sub-Committee determines the application in accordance with the options in paragraph 12.
- 2.3 That the Sub-Committee provides the reasons for its decision.

3. Risk Assessment and Opportunities Appraisal

There are no risks associated with this report

4. Financial Implications

There are no financial issues associated with this report; however each party has the right of appeal on the decision made.

Report

5.0 Background

- 5.1 Mrs Fiona Hindmarch has made an application for a Premises Licence for Empire Cupcakery, 5 Roushill Shrewsbury SY1 1PQ. The licensable activities and opening hours that are now requested are:

Supply of Alcohol (on the premises)

Monday to Sunday – 10:00 to 23:00

Opening Hours

Monday to Sunday – 10:00 to 23:00

- 5.2 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the following steps would be taken.

6.0 Prevention of Crime and Disorder

1. Two trained (in the Licensing Act 2003) members of staff on the premises at all times of opening.
2. Extra staff if open after 23.00.

7.0 Public Safety

Up to date fire risk assessment

8.0 Prevention of Public Nuisance

None

9.0 Protection of Children from Harm

Challenge 21 Policy applied

10.0 Objections Received (Responsible Authorities)

None

11.0 Objections Received (Other Interested Parties)

- 11.1 One representation has been received from other interested parties, who have concerns as to public nuisance and have requested that the supply of alcohol cease at 22.30, thirty minutes prior to closure..(The other points raised as to no noise being audible outside, no outside seating and no off licence sales are not relevant, as only on alcohol sales are applied for contained within the licence plan area).

11.2 The applicant was not prepared to alter the application as requested, stating that “I feel that there are many other licensed premises in the area who serve alcohol past 10.30pm. I feel it is very unfair that I would have a shorter license period.”

11.3 The representation has not been withdrawn.

12.0 Options Considered

12.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the licence
- To grant the licence with additional conditions
- To grant the licence without additional conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

12.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraphs 6 to 9 of this report would be attached to the licence.

12.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if it considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be necessary to impose similar duties.

12.4 Members of the Sub-Committee should be advised that the applicant, or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates’ Court within 21 days of the date on which they were notified.

13.0 Standard of Decision Making

13.1 In accordance with the provisions of the Licensing Act 2003 and the council’s scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

13.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance
- The protection of Children from Harm

13.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy. Members of the Sub-Committee may deviate

from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

13.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

13.5 Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Shropshire Council Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003 (June 2013).
- The Licensing Act 2003 (Hearings) Regulations 2005.
- Application form and associated papers.
- Copy of representation received.

Cabinet Member

Councillor Steve Charmley

Local Member

Councillor Andrew Bannerman

Appendices

Appendix A – Location Plan.