



<u>Committee and Date</u> Licensing Act Sub-Committee 14 th November 2013 10.00 am
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<u>Item</u> 3 Public

**LICENSING ACT 2003
APPLICATION FOR A REVIEW OF A PREMISES LICENCE**

Responsible Officer Mrs Kate Roberts

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1.0 Summary

- 1.1 Premises: Old Vaults, 14 Church Street, Oswestry, SY11 2SP. 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 review of the Premises Licence.
- 1.3 Shropshire Council being the authorised licensing authority for the above premises has received an application for a review of a premises licence.
- 1.4 The application has been accepted as a valid application. Review applications are 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:
 - take no further action;
 - issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence Holder;
 - modify the conditions of licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the Designated Premises Supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.

- 1.7 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.
- 1.8 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 with 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 8.
- 2.3 That the Sub-Committee provides the reasons for its decision.

3. Risk Assessment and Opportunities Appraisal

- 3.1 There are no risks associated with this report

4. Financial Implications

- 4.1 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 Shropshire Council's Public Protection (Neighbourhood Pollution) has made an application for a review of a Premises Licence on the grounds that the current operation of the premises undermines the Prevention of Public Nuisance Licensing Objective. The application is supported by evidence of complaints received and subsequent action taken.
- 5.2 The premises licence was first granted for the internal area of the premises on 24th November 2005. An application to vary the licence to include the external area for regulated entertainment was granted on 12th July 2012. The existing Premises Licence is attached at Appendix B.
- 5.3 The application to review the licence was received on 24th September 2013. In accordance with the prescribed regulations, site notices were placed at the premises, at the Council offices and on the Council's website. The consultation period ended on 22nd October 2013.
- 5.4 During the consultation period three additional representations have been received (see paragraphs 6 and 7).
- 5.5 Members of the Sub-Committee, the licence holder and the applicant, Shropshire Council Public Protection, have received copies of the documentation submitted.
- 5.6 The Home Office guidance issued under s182 of the Licensing Act 2003 applies to this application.

6.0 Objections Received (Responsible Authorities)

- 6.1 A representation has been received from the Chief Officer of the Police. This representation has not been withdrawn.

7.0 Objections Received (Other Interested Parties)

- 7.1 One representation has been received from a local resident and one representation has been received from a neighbouring business. Neither representation has been withdrawn.

8.0 Options Considered

- 8.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- take no further action;
 - issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence Holder;

- modify the conditions of licence;
- exclude a licensable activity from the scope of the licence;
- remove the Designated Premises Supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

8.2 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.

8.3 Members of the Sub-Committee should be advised that the applicant, Licence Holder and 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.

9.0 Standard of Decision Making

9.1 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.

9.2 When determining the application, the Sub-Committee should only consider issues, which relate to the grounds for this review, in this instance the licensing objective is:

- The Prevention of Public Nuisance

9.3 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.

9.4 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.

9.5 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 (April 2012).
- The Licensing Act 2003 (Hearings) Regulations 2005.
- Application form and associated papers.
- Copies of representations received.

Human Rights Act Appraisal

None apparent

Environmental Appraisal

Not applicable.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable.

Cabinet Member

Councillor Steve Charmley

Local Member

Councillor Keith Barrow

Appendices

Appendix A – Location Plan.

Appendix B – Existing Premises Licence.

Appendix C - Guidance for Hearings.