

Date: Monday, 11 May 2015

Time: 10.00 am

Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Emily Marshall, Committee Officer
Tel: 01743 252726
Email: emily.marshall@shropshire.gov.uk

LICENSING ACT SUB-COMMITTEE

TO FOLLOW REPORT (S)

- 3 Application for a Variation of a Premises Licence
- The Kings Head, 205 Shrewsbury Road, Market
Drayton (Pages 1 - 18)**

This page is intentionally left blank



<u>Committee and Date</u>	<u>Item</u>
Licensing Sub-Committee	3
Monday 11 th May 2015	
10.00 am	

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a variation to a Premises Licence.

Premises: Kings Head, 205 Shrewsbury Road, Market Drayton, Shropshire, TF9 3EH. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a variation of a premises licence.

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.

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;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

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.

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. Recommendations

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.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a Variation of a Premises Licence for Kings Head, 205 Shrewsbury Road, Market Drayton, Shropshire, TF9 3EH.

6. Background

6.1 Marson's Plc, the Premises Licence holder, has made an application for variation of a Premises Licence.

6.2 The existing Premises Licence (attached at Appendix B) permits the following:-

Films, Indoor Sport, Live/Recorded Music, Performance of Dance (all indoors) and Sale of Alcohol on/off the premises

Mon – Sat 11.00 – 00.00

Sun 11.00 – 23.30

Late Night Refreshment indoors

Mon – Sat 23.00 – 00.00

Sun 23.00-23.30

Opening hours

Sun-Thu 11.00 – 00.00

Fri-Sat 11.00 - 01:00

- 6.3 The variation application seeks to amend the hours for licensable activities on Fri/Sat with a terminal hour of 01.00. Further, for the opening hours to allow a 30 minute period at termination of activities, as follows:-

Opening hours

Mon-Thu 11.00 – 00.30

Fri-Sat 11.00 – 01.30

Sun 11.00 - 00:00

The application seeks the deletion of the following conditions:-

“General

The pub is owned by Joules Brewery Limited.

Joules Brewery only operates traditional pubs of high quality directed towards a mature 25-50+ age group. As a small company of 19 pubs we ensure each pub is pro-actively managed and has proper management input from head office. Management have an in depth knowledge of each and every pub within the group.

The standard if the Joules Brewery estate us high. The premises are only operated by individual experienced in the licensed trade, with a maturity of attitude and years. They are well trained and have high standards of retailing, health, safety, hygiene and security and have a responsible regard for the community and the law.

Outlined below are some of the critical standards complied with by the current licensee/proposed designated premises supervisor. On a general point the Premises Supervisors or some responsible person nominated by him/her will be on the premises and in charge for the whole time they are open to the public.

Overall, the appeal of this pub is its quality in terms of its decor, retailing standards and safety. It appeals to the wider community, particularly the 25 plus age group as a result it does not have a record of disorder and this approach is intended to continue.

Prevention of Crime & Disorder

2. OPEN BOTTLES

No persons carrying open bottles shall be admitted to the premises at any times that the premises are open to the public.

3. ALCOHOLIC DRINKS

Alcoholic and other drinks may not be removed from the premises in open containers.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

CONDITIONS AGREED BY CONSENT AT A MEETING ON 18 AUGUST 2005

3. Customers are not allowed to leave the premises with open containers i.e. glasses that might cause nuisance to residents.”

- 6.4 For variation applications, 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, in place of the removed conditions referred to above:-

Prevention of Crime and Disorder

Alcoholic drinks may not be removed from the premises in open containers except to areas within the control of the licence holder.

No customers carrying open bottles will be allowed into the premises at any times that the premises are open to the public other than those with drinks purchased at the premises for consumption in areas within the control of the licence holder.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

- 8.1 One representation has been received from other persons, who have concerns in respect of crime and disorder, public nuisance, public safety and protection of children from harm. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise from music and customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.

- 8.2 The applicants have indicated that they wish to continue with the application as detailed above.

- 8.3 The representation has not been withdrawn.

9. Options for Consideration

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

- To refuse to grant the application
- To grant the application with (or without) conditions in full (or in part)

- 9.2 If the application is to be granted in line with the submitted operating schedule then replacement conditions detailed in paragraph 6.4.1 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.
- 9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.
- 9.4 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.

10. Standard of Decision Making

- 10.1 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.
- 10.2 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
- 10.3 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.
- 10.4 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.

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 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copy of representation received.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

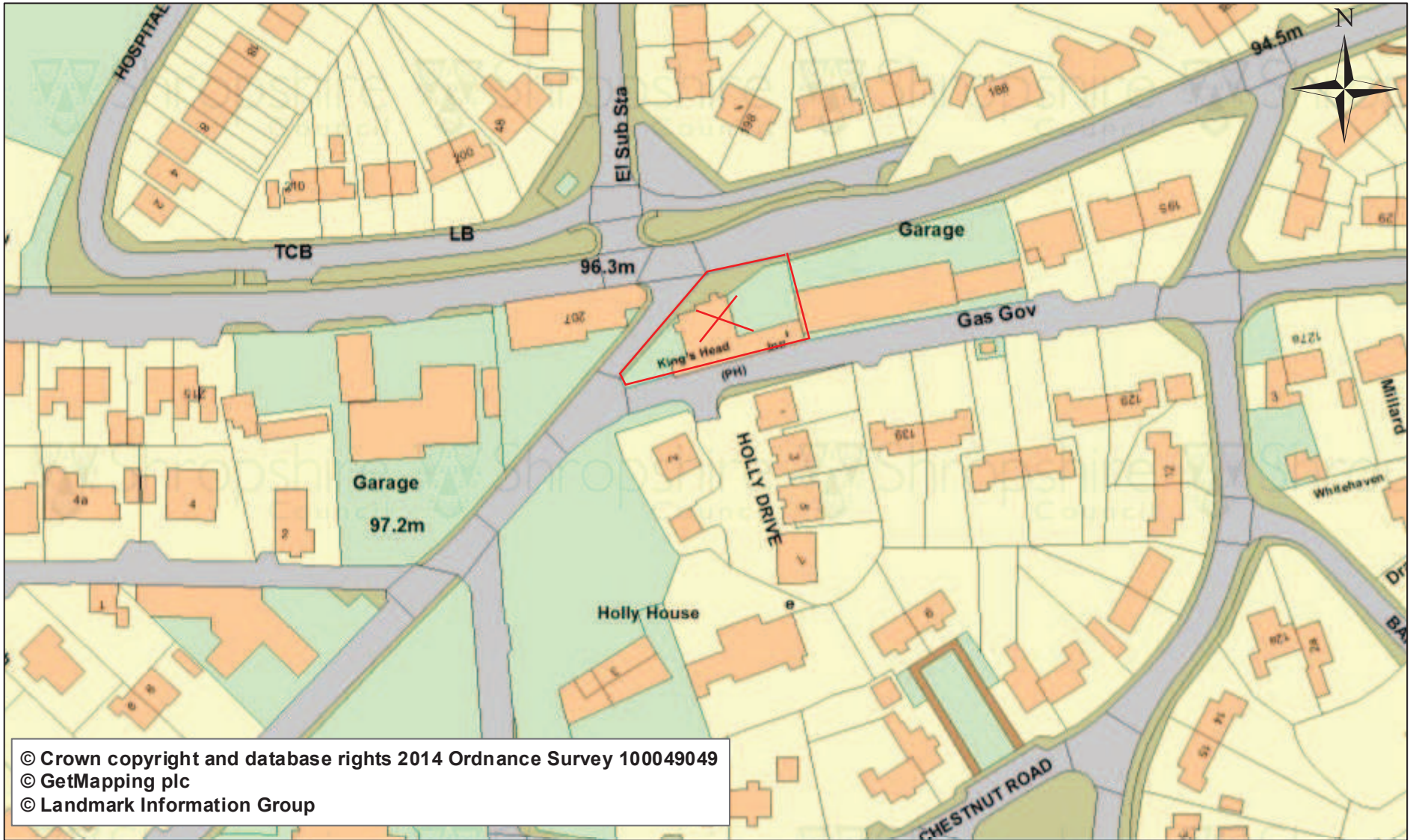
Local Member

David Minnery
Roger Hughes

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence PL/SC019059



This page is intentionally left blank

Premises Licence WITH Alcohol

Licensing Act 2003

PL/SC019059

This Licence is Issued by



Licensing Team
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9000

Part 1 - Premises Details

Postal Address of Premises, or if none, Ordnance Survey Map Reference or Description

Kings Head
205 Shrewsbury Road, Market Drayton, Shropshire TF9 3EH

Licensable activities authorised by the licence:

Films
Indoor Sporting Events
Live Music
Recorded Music
Performance of Dance
Facilities for Making Music
Facilities for Dancing
Late Night Refreshment
Supply of Alcohol

The Opening Hours of the Premises

Mon 11:00-00:00
Tue 11:00-00:00
Wed 11:00-00:00
Thu 11:00-00:00
Fri 11:00-01:00
Sat 11:00-01:00
Sun 11:00-00:00

NON STANDARD HOURS: The premises will be permitted to open until 1.00 a.m. on all Bank Holidays. The premises will be permitted to open until 2.00 a.m. on Christmas Eve, New Year's Eve and Easter Saturday. The premises will be permitted to open until 1.00 a.m. on Saint Patrick's Day, Saint George's Day and Halloween. The premises have not applied for any drinking up time, so the 20 minutes permitted under grandfather rights will be carried over.

The times the licence authorises the carrying out of licensable activities

<p>Films</p> <p>Indoors</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>
<p>Indoor Sporting Events</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>
<p>Live Music</p> <p>Indoors</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>
<p>Recorded Music</p> <p>Indoors</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>
<p>Performance of Dance</p> <p>Indoors</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>
<p>Facilities for Making Music</p> <p>Indoors</p>	<p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30</p>

Facilities for Dancing Indoors	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Late Night Refreshment Indoors	Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-23:30
Supply of Alcohol	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30

**Where the Licence Authorises Supplies of Alcohol whether
these are on and/or off Supplies**

On and Off Premises

Part 2

**Name, (Registered) Address, Telephone Number and eMail (Where Relevant)
of Holder of Premises Licences**

Marston's PLC
Marston's House, Brewery Road, Wolverhampton, West
Midlands WV1 4JT

**Registered Number of Holder, For Example Company Number, Charity
Number (Where Applicable)**

**Name, Address and Telephone Number of Designated Premises Supervisor Where the Premises Licence Authorises
the Supply of Alcohol**

Mr Mark William King

**Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor Where
the Premises Licence Authorises for the Supply of Alcohol**

Licence No.: PA/SC1534

Issued by: Shropshire

Annex 1 - Mandatory Conditions

For the supply of alcohol

No supply of alcohol may be made under the premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

For all premises licences and club premises certificate authorising the exhibition of films, access will be restricted only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification.

Admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body so designated.

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

Mandatory Drinks Code Conditions

1. The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:

(i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

General

The pub is owned by Joules Brewery Limited.

Joules Brewery only operates traditional pubs of high quality directed towards a mature 25-50+ age group. As a small company of 19 pubs we ensure each pub is pro actively managed and has proper management input from head office. Management have an in depth knowledge of each and every pub within the group. The standard if the Joules Brewery estate us high, The premises are only operated by individual experienced in the licensed trade, with a maturity of attitude and years. They are well trained and have high standards of retailing, health, safety, hygiene and security and have a responsible regard for the community and the law.

Outlined below are some of the critical standards complied with by the current licensee/proposed designated premises supervisor. On a general point the Premises Supervisors or some responsible person nominated by him/her will be on the premises and in charge fro the whole time they are open to the public.

Overall, the appeal of this pub is its quality in terms of its decor, retailing standards and safety. It appeals to the wider community, particularly the 25 plus age group as a result it does not have a record of disorder and this approach is intended to continue.

Prevention of Crime & Disorder

1. DOOR SUPERVISORS

The conditions regarding Door Supervisors included in the Operating Schedule are mandatory and form part of other legislation so will not be reiterated.

2. OPEN BOTTLES

No persons carrying open bottles shall be admitted to the premises at any times that the premises are open to the public.

3. ALCOHOLIC DRINKS

Alcoholic and other drinks may not be removed from the premises in open containers.

Public Safety

1. FIRE REQUIREMENTS

The statutory requirements of the Fire Officer will be met at all times.

2. BUILDING CONTROL

The statutory requirements of Building Control will be met at all time

Prevention of Public Nuisance

1. NOTICES

Notices will be displayed in a prominent position at all exits requesting the public to respect the needs of local residents and to leave the premises area quietly.

2. NOISE

Noise and vibration shall not emanate from the premises so as to cause nuisance to nearby properties.

Protection of Children From Harm

1. No children under the age of 16 will be permitted on the premises after 22.00 hours.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

CONDITIONS AGREED BY CONSENT AT A MEETING ON 18 AUGUST 2005

1. The applicant shall take all reasonable steps to ensure that the level of noise emanating from the premises both indoors and outdoors is such as not to cause annoyance to disturbance to residents in the locality for example by closing doors and windows, or reducing the volume of the music.
2. No children under the age of 16 will be permitted in the premises after 22.00 hours and that signs will be displayed accordingly.
3. Customers are not allowed to leave the premises with open containers i.e. glasses that might cause nuisance to residents.
4. Bins are to be emptied between 7.00am - 7.00pm

Annex 4 – Plans

As received on 31 August 2005

Premises Licence WITH Alcohol Summary

Licensing Act 2003

PL/SC019059

This Licence is Issued by



Licensing Team
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9000

Premises Details

Postal Address of Premises, or if none, Ordnance Survey Map Reference or Description

Kings Head
205 Shrewsbury Road, Market Drayton, Shropshire TF9 3EH

Where the licence is time limited, the dates - Not Applicable

Licensable activities authorised by the licence:

Films
Indoor Sporting Events
Live Music
Recorded Music
Performance of Dance
Facilities for Making Music
Facilities for Dancing
Late Night Refreshment
Supply of Alcohol

The Opening Hours of the Premises

Mon 11:00-00:00
Tue 11:00-00:00
Wed 11:00-00:00
Thu 11:00-00:00
Fri 11:00-01:00
Sat 11:00-01:00
Sun 11:00-00:00

NON STANDARD HOURS: The premises will be permitted to open until 1.00 a.m. on all Bank Holidays.
The premises will be permitted to open until 2.00 a.m. on Christmas Eve, New Year's Eve and Easter

Saturday. The premises will be permitted to open until 1.00 a.m. on Saint Patrick's Day, Saint George's Day and Halloween.

The premises have not applied for any drinking up time, so the 20 minutes permitted under grandfather rights will be carried over.

The times the licence authorises the carrying out of licensable activities

Films	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00
Indoors	Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Indoor Sporting Events	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Live Music	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00
Indoors	Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Recorded Music	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00
Indoors	Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Performance of Dance	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00
Indoors	Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Facilities for Making Music	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00

Indoors	Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Facilities for Dancing	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00
Indoors	Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30
Late Night Refreshment	Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00
Indoors	Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-23:30
Supply of Alcohol	Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-23:30

**Where the Licence Authorises Supplies of Alcohol whether
these are on and/or off Supplies**

On and Off Premises

Name, (Registered) Address of Holder of Premises Licences

Marston's PLC
Marston's House, Brewery Road, Wolverhampton, W Midlands, , WV1 4JT

**Registered Number of Holder, For Example Company Number, Charity
Number (Where Applicable)**

**Name of Designated Premises Supervisor Where the Premises Licence Authorises
the Supply of Alcohol**

Mr Mark William King

This page is intentionally left blank