

Date: Monday, 18 May 2015

Time: 10.00 am

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

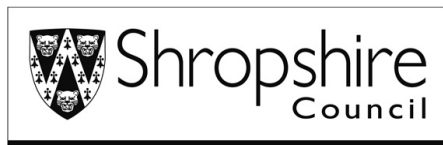
Contact: Emily Marshall, Committee Officer
Tel: 01743 252726
Email: emily.marshall@shropshire.gov.uk

LICENSING ACT SUB-COMMITTEE

TO FOLLOW REPORT (S)

- 3 Application for a Review of a Premises Licence -
Ashley's Wine Bar, 9 Shoplatch, Shrewsbury
(Pages 1 - 18)**
Report of the Public Protection Officer (Specialist) is attached, marked 3.
(Report to Follow)
Contact Simon Ditton on 0345 6789026

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Licensing Act Sub-Committee

Monday 18th May 2015

10.00 a.m.

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 678 9026

1. Summary

1.1 To consider an application for a review of a Premises Licence.

Premises: Ashleys Wine Bar 9 Shoplatch Shrewsbury SY1 1HF. A location plan is attached to the report as Appendix A.

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

1.3 The application has been accepted as a valid application. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

1.4 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.

1.5 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 conditions of the 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

- 1.6 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.
- 1.7 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

- 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, licence holder and the parties/authorised bodies making relevant representations.
- 2.2 That the Sub-Committee determines the application in accordance with the options in paragraph 7.
- 2.3 That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

- 3.1 The Committee is required to consider the consequences of any action on the applicant's human rights.

4. Financial Implications

- 4.1 None.

5. Purpose of Report

- 5.1 To consider an application for a review of the Premises Licence for Ashleys Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF.

6. Background

- 6.1 Mr S Harbord-Suffield and Mrs L Whitaker have made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance Licensing Objectives.
- 6.2 The application is supported by evidence dating from February 2014 to March 2015 of issues encountered by the applicants with the premises. A number of witness statements were produced with the application.
- 6.3 The current Premises Licence was issued on 30th June 2010. The Premises Licence holder and designated premises supervisor is Mr Ashleigh Davies.

6.4 During the consultation period 25 representations have been received:

- One representation is from Shropshire Council's Public Protection Service in its capacity as a Responsible Authority for Public Safety and Public Nuisance.
- Two representations are in support of Ashleys Wine Bar and its current Licence Holder/DPS.
- The remaining twenty two are from interested parties and are in support of the review application with the principal concerns being public nuisance and public safety.

6.5 The representations have not been withdrawn.

6.6 During the consultation period additional documents have been provided by Mr Ashley Davies in response to the review application. These documents include letters/statements supporting Mr Davies.

7. Options for Consideration

7.1 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 conditions of the 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

7.2 Members of the Sub-Committee should be advised that the applicant, licence holder 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.

8. Standard of Decision Making

8.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for a review of a Premises Licence have to be determined by this Sub-Committee.

8.2 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

- 8.3 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.
- 8.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder 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 (March 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form, copies of representations, submissions by licence holder and associated papers

Cabinet Member (Portfolio Holder)

Cllr S Charmley

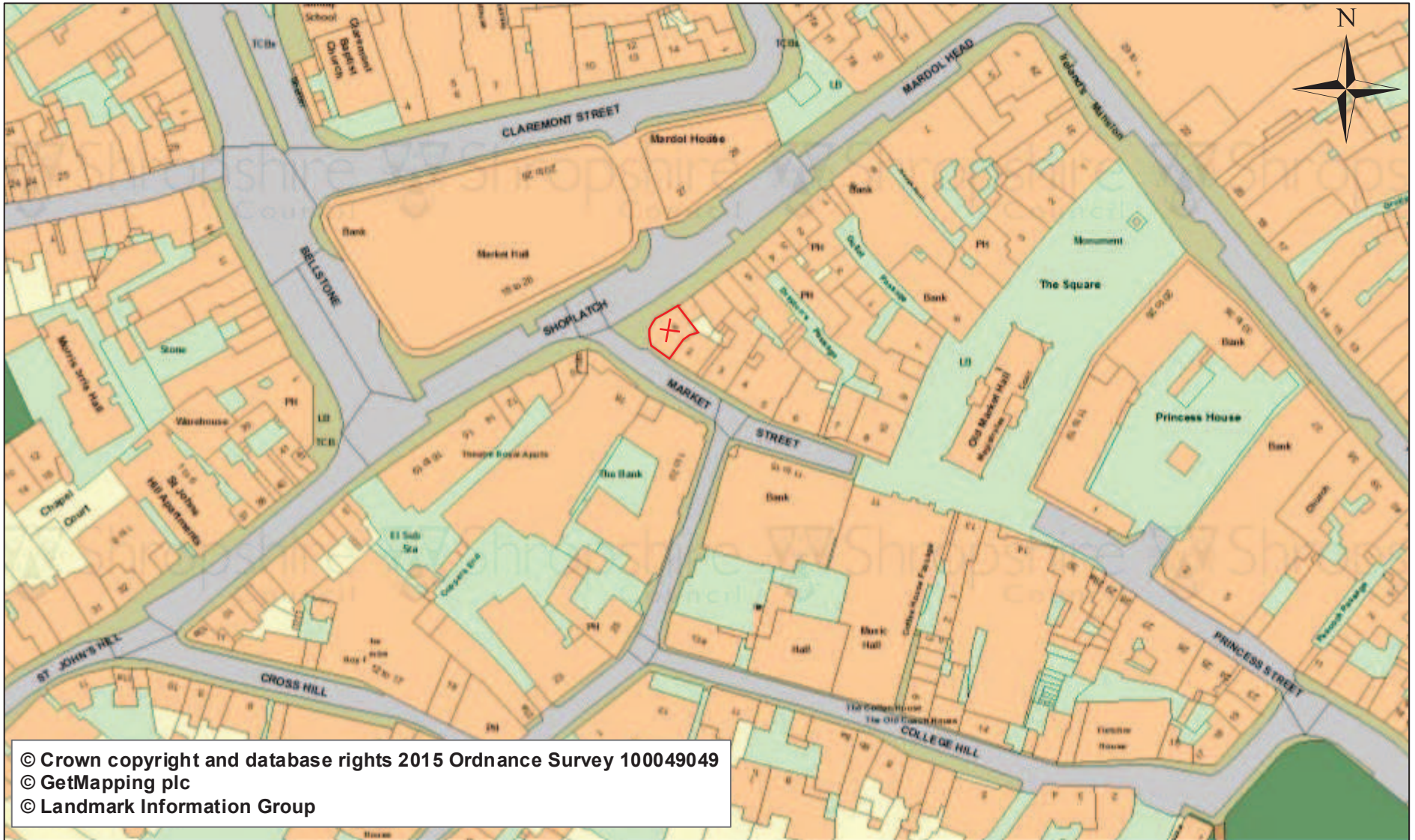
Local Member

Andrew Bannerman

Appendices

Appendix A – Location Plan

Appendix B – Current Licence PL/SC1223



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22680

Licensing Act 2003
Premises Licence PL/SC1223

LOCAL AUTHORITY



Shropshire Council
 Licensing
 Shirehall
 Abbey Foregate
 Shrewsbury
 Shropshire
 SY2 6ND
 tel: 0345 6789000
 web: www.shropshire.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Ashley's Cafe Wine Bar
 9 Shoplatch, Shrewsbury, Shropshire, SY1 1HF.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

- LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**
- a performance of live music
 - any playing of recorded music
 - provision of late night refreshment
 - the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	8:00am	2:00am
	New Year's Eve	8:00am	4:00am
	Sunday	10:00am	2:00am
F. Playing of recorded music (Indoors)	Monday to Saturday	8:00am	2:00am
	Sunday	10:00am	2:00am
	New Year's Eve	8:00am	4:00am
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	2:00am
	New Year's Eve	11:00pm	4:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	8:00am	2:00am
	Sunday	10:00am	2:00am
	New Year's Eve	8:00am	4:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	8:00am	2:30am
Sunday	10:00am	2:30am
New Year's Eve	8:00am	4:30am



Licensing Act 2003

PL/SC1223

Premises Licence

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Ashley Cartwright Davies

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

Ashley Cartwright DAVIES

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/US0520

Issued by Shrewsbury and Atcham

ANNEXES

ANNEX 1

MANDATORY CONDITIONS

Supply of Alcohol

Where a Premises Licence authorises the supply of alcohol, the following conditions are applicable:

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her 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.

Door Supervision/Supervisors

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Cinemas

For all premises licences and club premises certificates 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.

For the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either 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.

Mandatory Drinks Code Conditions

1.-(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, 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

Premises Licence

ANNEXES continued...

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.

- Applicable from 6th April 2010

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).

- Applicable from 6th April 2010

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

- Applicable from 6th April 2010

4.-(1) 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.

(2) 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.

- Applicable from 1st October 2010

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.

- Applicable from 1st October 2010

Premises Licence

ANNEXES continued..

ANNEX 2

CONDITIONS CONSISTENT WITH OPERATING SCHEDULE

Prevention of Crime and Disorder

1. There would be CCTV coverage and all recordings would be made available to the Licensing Authority or the Police on request; the recordings will be kept for 28 days;
2. The designated premises supervisor would be a member of Pubwatch.
3. No consumption of alcohol will be permitted in external areas after 22.00 hours.
4. On a risk assessed basis by the premises licence holder, door staff will be employed at appropriate rates.
5. No licensable activities will take place in external areas of 00:00 hours.

Public Safety

1. There will be compliance with all Health and Safety legislation.

Prevention of Public Nuisance

1. Music would be controlled so as not cause a nuisance;
2. The pavement area outside the premises would be cleaned daily.
3. Staff will monitor the outside seating area at all times to ensure there is no public nuisance.

Protection of Children from Harm

1. Persons under the age of 18 must be accompanied by an adult;
2. Identification would only be accepted in the form of a passport or driving licence.

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY.

Not Applicable

ANNEX 4

PLANS

Plans submitted: Drawing No:04; Drawing No:100, Drawing No.101 and Drawing No.102.
Location Plan: 09_FSLTD_039; Sept 08

Licensing Act 2003

Premises Licence

PL/SC1223



Licensing Act 2003

PL/SC1223

Premises Licence Summary

LOCAL AUTHORITY



Shropshire Council

Licensing
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

tel: 0345 6789000

web: www.shropshire.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDINANCE SURVEY MAP REFERENCE OR DESCRIPTION

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Premises Licence Summary

THE OPENING HOURS OF THE PREMISES			
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New Year's Eve	8:00am	4:30am	

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Ashley Cartwright Davies

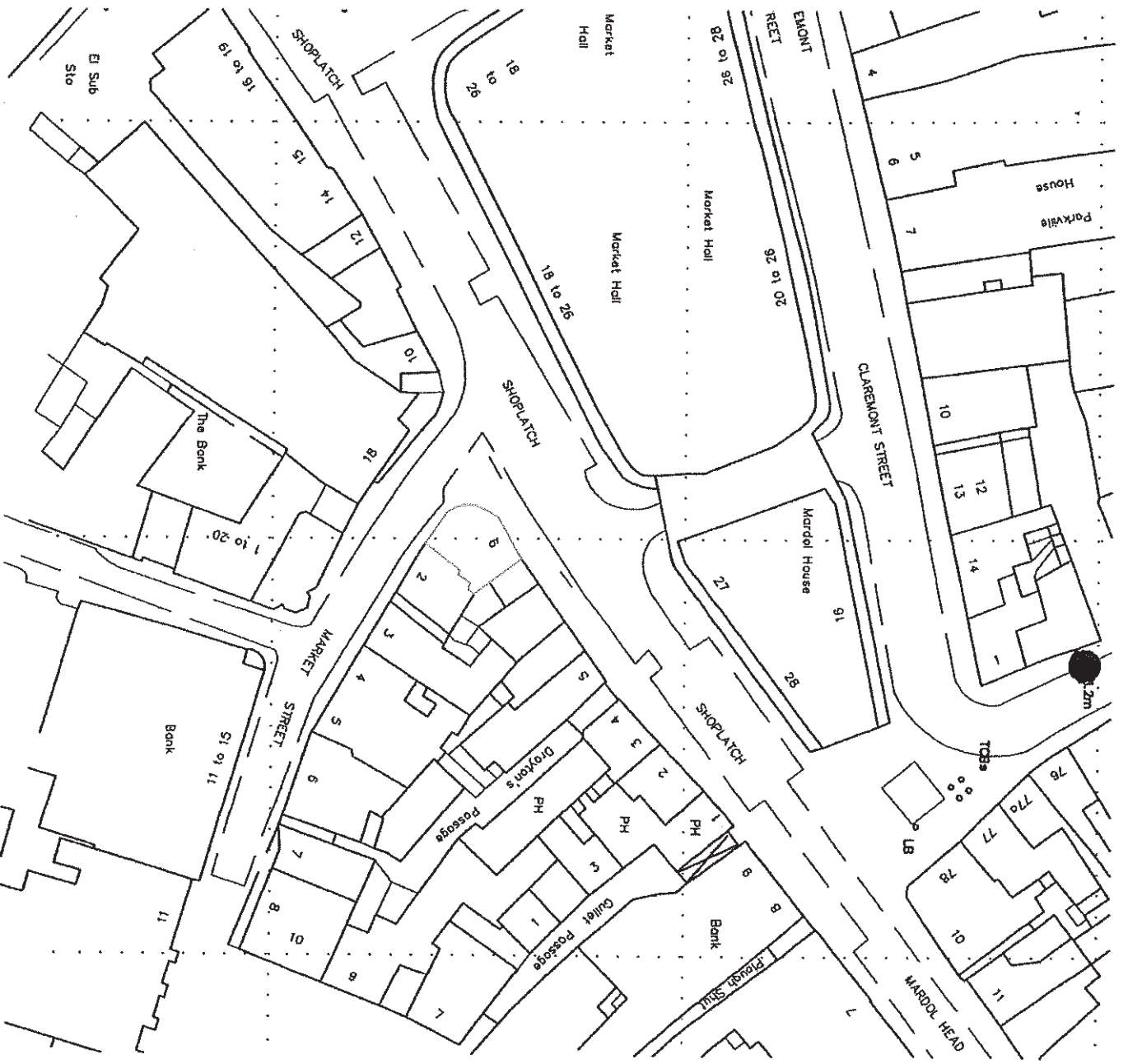
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

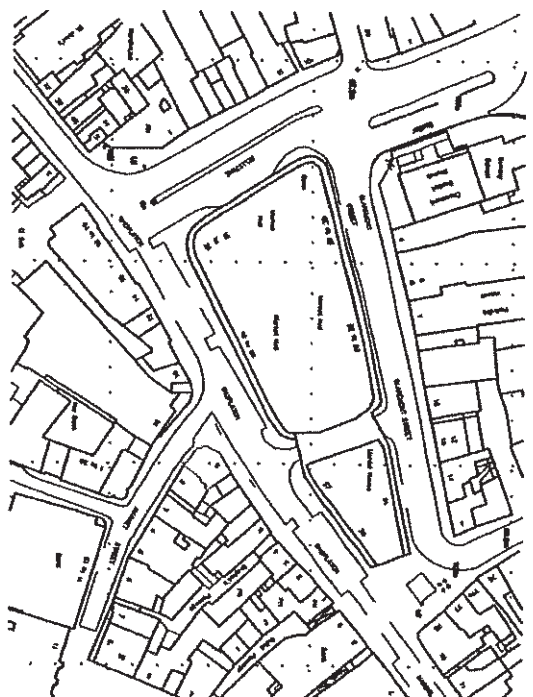
Ashley Cartwright DAVIES

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Persons under the age of 18 must be accompanied by an adult.



BLOCK PLAN - 1:500



LOCATION PLAN - 1:1250

Drawing Issue Status:
PLANNING
Original Media Size:
A3

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Project:
1. Based on Ordnance Survey data supplied by Landmark Information Group

Unit A
Halesfield 19
Telford
Shropshire
TF7 4DT

Tel: 01952 - 894078
Fax: 01952 - 457900
Email: info@fore-site.co.uk
Web: www.fore-site.co.uk

Client:
Mr. Ashley Davies
The Stable, Ardent Barn, Ardent

Project:
Proposed Change of Use
No. 9 Shoplatch, Shrewsbury

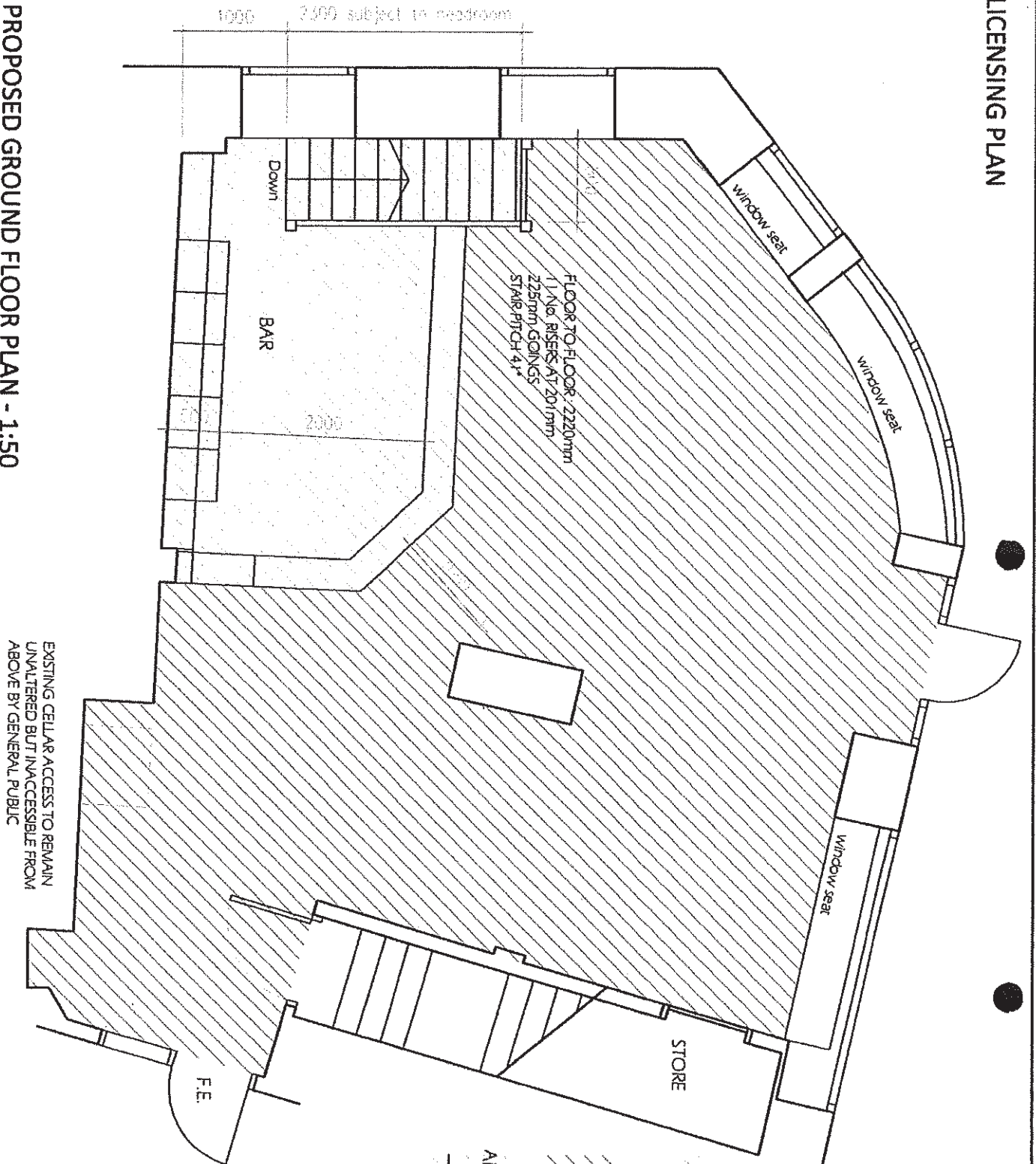
Drawing:
Site Plans

Scale:	Drawn:	Date:
Scale	G. Hickman	Sept. '08
Project Reference:	Draw No:	Rev:
09_FSITD_039	01	

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LICENSING PLAN

PROPOSED GROUND FLOOR PLAN - 1:50



EXISTING CELLAR ACCESS TO REMAIN UNALTERED BUT INACCESSIBLE FROM ABOVE BY GENERAL PUBLIC

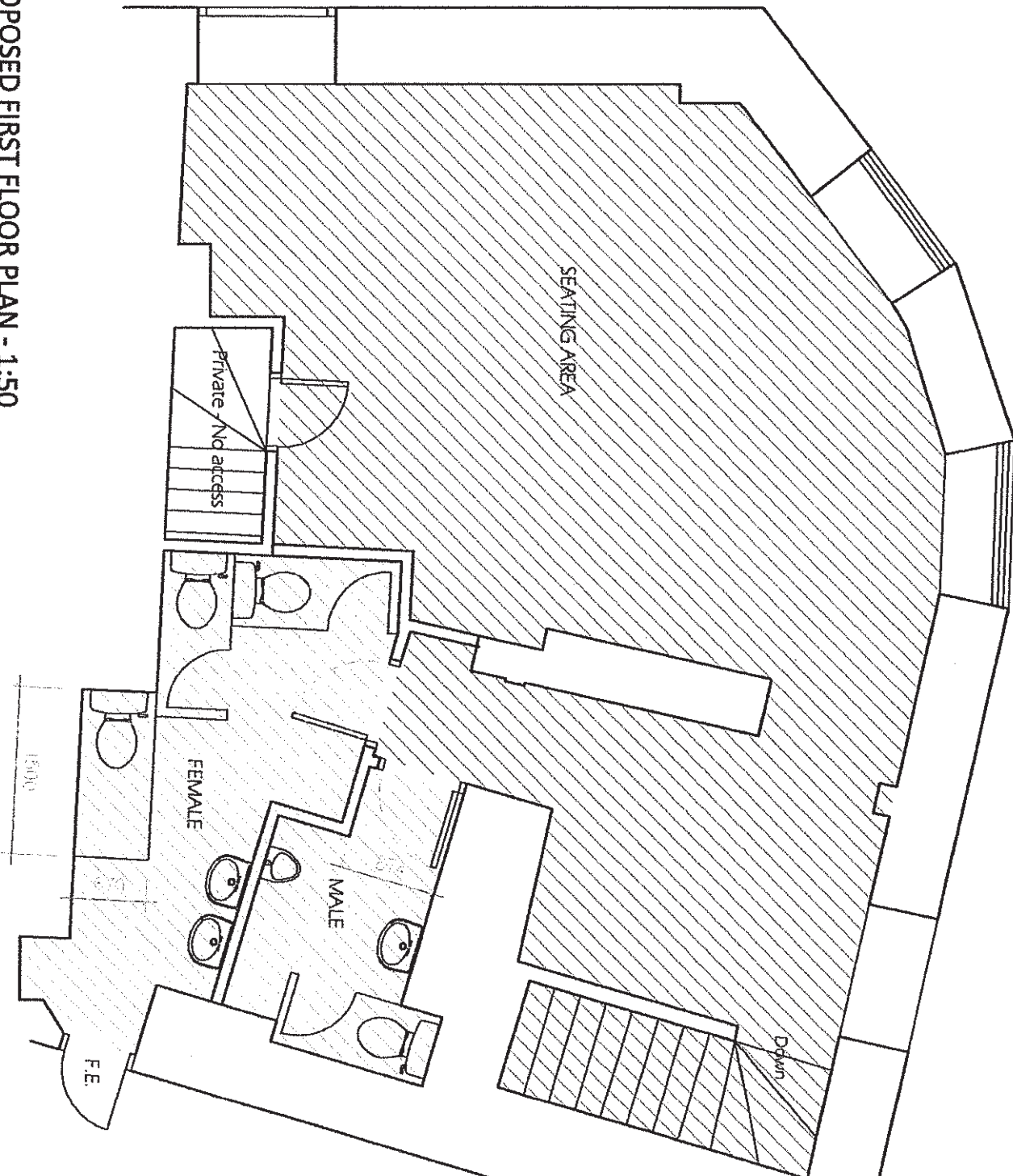
fore-site
 ARCHITECTURAL
 UNIT 5
 Unit A
 Mansfield 19
 Telford
 Shropshire
 TF7 4DT
 Tel: 01932 - 888078
 Fax: 01932 - 457900
 Email: info@fore-site.co.uk
 Web: www.fore-site.co.uk

Client: Mr. Ashley Davies
 The Stable, Ascott Barns, Ascott
 Project: Proposed Change of Use
 No. 5 Shopstead, Shrewsbury
 Drawing: Proposed Ground Floor Plan

Scale:	1:50	Drawn:	G. Hickman	Date:	July 09
Project Reference:	09_FS/LTD_039	Drawn No.:	101	Rev.:	-

LICENSING PLAN

PROPOSED FIRST FLOOR PLAN - 1:50



STAFF ONLY AREAS

PUBLIC AREAS -
CONSUMPTION OF
FOOD & ALCOHOL

PUBLIC AREAS -
TOILET FACILITIES



fore-site
ARCHITECTURAL
LIMITED

Unit A
Halesfield 19
Telford
Shropshire
TF1 4GT

Tel: 01952 688078
Fax: 01952 457900
Email: info@fore-site.co.uk
Web: www.fore-site.co.uk

Client:
Mr. Ashley Davies
The Stable, Ascott Barn, Ascott

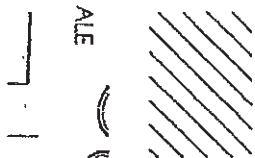
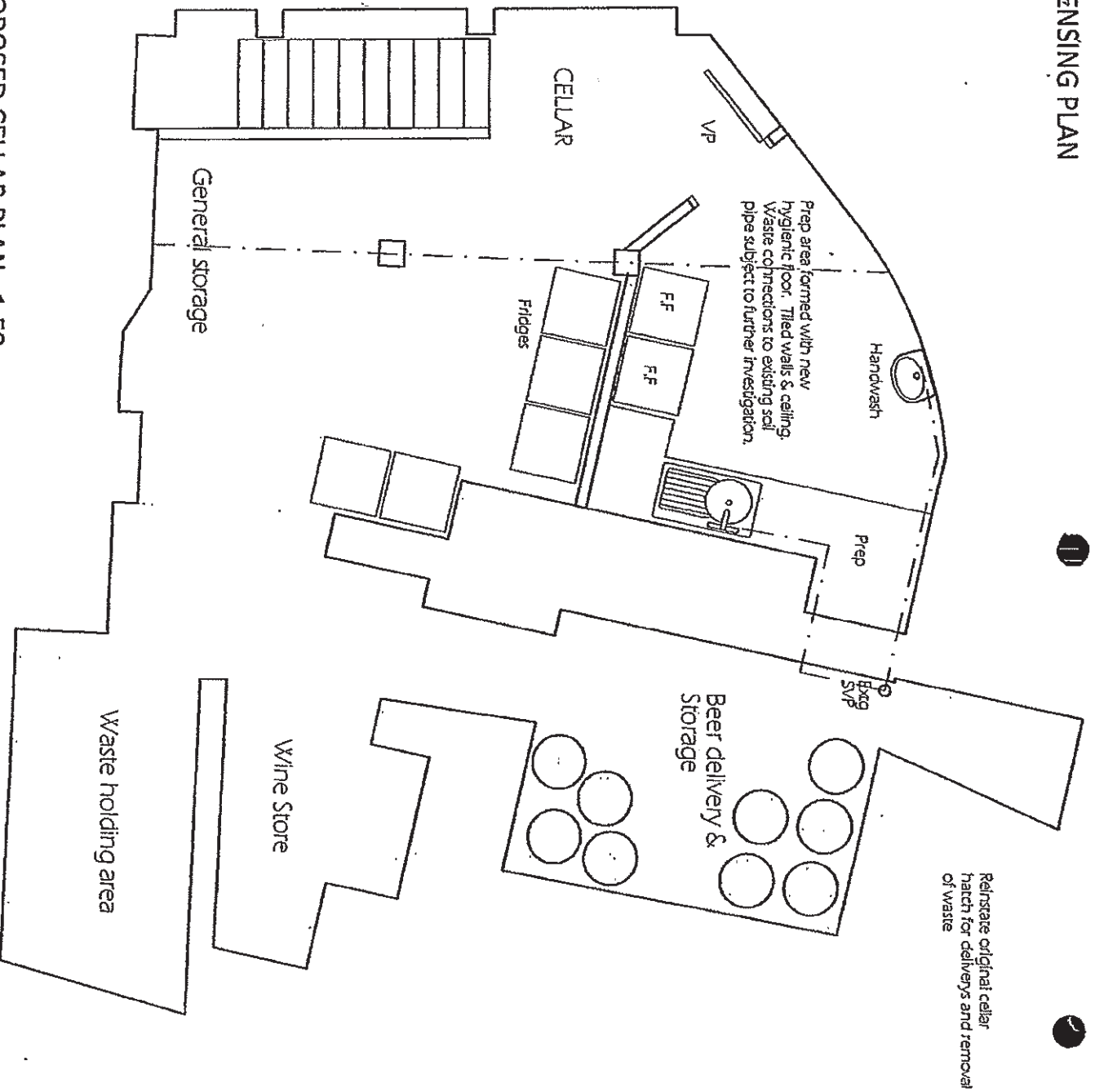
Project:
Proposed Change of Use
No. 9 Shropshire, Shrewsbury

Drawing:
Proposed First Floor Plan

Scale:	1:50	Drawn:	G. Hickman	Date:	July 09
Project Reference:	09_FS/LTD_039	DWG. No.:	102	Rev.:	-

LICENSING PLAN

PROPOSED CELLAR PLAN - 1:50



STAFF ONLY AREAS

foreste
 Unit A
 Halkindale 19
 Telford
 Shropshire
 TF7 4QT
 Tel: 01932 488078
 Fax: 01932 487900
 Email: info@fore-site.co.uk
 Web: www.fore-site.co.uk

Client:-
 Mr. Ashley Druks
 The Six Birs, Arment Barns, Arment

Project:-
 Proposed Change of Use
 No. 9 Shepheard, Shrewsbury

Drawing:-
 Proposed Cellar Plan

Scale:-	Drawn:-	Date:-
1:50	G. Hickman	July 09
Project Reference:-	Dwg. No.:-	Rev:-
09_FS1LTD_039	100	.