



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Friday, 18 March 2016

Committee:
Strategic Licensing Committee

Date: Wednesday, 30 March 2016
Time: 10.00 am
Venue: Shrewsbury Room - Shirehall

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Keith Roberts (Vice Chairman)
Peter Adams
Joyce Barrow
Vernon Bushell
Dean Carroll
Peter Cherrington
Andrew Davies
Nigel Hartin
Roger Hughes
Duncan Kerr
Nic Laurens
Robert Macey
Vivienne Parry
Jon Tandy
Robert Tindall

Substitute Members of the Committee

Andrew Bannerman
Gwilym Butler
John Cadwallader
Ted Clarke
Pauline Dee
Richard Huffer
Vince Hunt
John Hurst-Knight
Christian Lea
Jane MacKenzie
William Parr
David Roberts
David Turner
Tina Woodward
Paul Wynn

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Election of Chairman

2 Welcome and Introduction from the Chairman

3 Apologies

To receive apologies for absence.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the minutes of the meeting held on 6th January 2016.

Contact: Shelley Davies (01743 257718)

6 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Wednesday, 23rd March 2016.

7 Exercise of Delegated Powers (Pages 5 - 12)

Report of the Transactional Team Manager is attached, marked 7.

Contact: Mandy Beever (0345 678 9026)

8 Overview of Private Hire Company "Uber" (Pages 13 - 16)

Report of the Operations Manager – Health and Community Protection is attached, marked 8.

Contact: Karen Collier (01743 251711)

9 Appointments to Licensing and Safety Sub-Committee

- To appoint 2 Conservative substitute members.

Please note that there have been no meeting dates scheduled for Licensing and Safety Sub-Committee in the 2016/17 Council Diary. Meetings will be arranged when necessary.

10 Records of Proceedings - Licensing Sub-Committees (Pages 17 - 38)

Copies of the records of proceedings of the Licensing Act Sub-Committee meetings from December 2015 to February 2016 are attached for the Committee's information.

- 13th January 2016
- 13th January 2016
- 13th January 2016
- 1st February 2016

Contact: Emily Marshall (01743 257717) or Shelley Davies (01743 257718)

11 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 18th May 2016 in the Shrewsbury Room, Shirehall, Shrewsbury.

This page is intentionally left blank



<u>Committee and Date</u>
Strategic Licensing Committee
30 th March 2016

Item
5
Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
6 JANUARY 2016
10.00 - 10.55 AM**

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Keith Roberts (Chairman)

Councillors Peter Adams, Joyce Barrow, Vernon Bushell, Peter Cherrington, Nigel Hartin, Robert Macey, Vivienne Parry, Jon Tandy, Robert Tindall and Dean Carroll.

24 Welcome and Introductions from the Chairman

The Chairman gave a brief introduction and welcomed those present to the meeting.

25 Apologies

Apologies for absence were received from Councillors Steve Davenport, Andrew Davies, Roger Hughes and Michael Wood.

26 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

27 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 30th September 2015 be approved as a correct record and signed by the Chairman.

28 Public Question Time

There were no public questions or statements received.

29 Safety of Sports Grounds - Annual Report December 2015

Consideration was given to a report of the Team Manager – Health Protection and Prevention (copy attached to the signed minutes), detailing the exercise of delegated functions in respect of the safety of sports grounds, undertaken by the Public Protection service over the past year.

The Team Manager – Health Protection and Prevention responded to a number of general questions from Members and confirmed that the entry capacity for The New Saints ground was under review and noted that the limit for the Welsh league was different to that for the English league. It was explained that car parking issues were not taken into account when safety certificates were granted.

RESOLVED:

That the report of the Team Manager – Health Protection and Prevention be noted.

30 Gambling Act 2005 - Policy Statement

Consideration was given to the report of the Senior Commissioner for Business Support & Regulatory Services in relation to the Council's Gambling Act 2005 draft policy statement. (Copy attached to the signed minutes).

The Senior Commissioner for Business Support & Regulatory Services confirmed that £500 was not the full cost of producing the document and explained that additional costs would be recovered through the licence fees process.

In response to a query, Members were assured that the outcome of the research into vulnerable people currently being led by Westminster and Manchester Councils, as noted at paragraph 5.8 of the report, would be considered by Officers in relation to the policy statement.

RESOLVED:

- (1) The Committee considered the representations received following the formal consultation on the draft Gambling Policy Statement and agreed the amendments, set out as 'tracked changes', with any further amendments as appropriate, to the proposed Gambling Policy Statement as detailed in Appendix 1 and recommend to the Council that the policy statement be published and advertised by the Head of Public Protection in accordance with the provisions of the Act and that the policy statement take effect from 1 April 2016.
- (2) The Committee delegated authority to the Senior Commissioner for Business Support and Regulatory Services, in consultation with the Chair of the Strategic Licensing Committee, to finalise the tracked changes, correct the paragraph numbering and amend any typographical errors and/or administrative inconsistencies in the proposed Gambling Policy Statement as set out in Appendix 1 prior to the policy statement being presented to the Council for final approval.

31 Licensing Fees and Charges - 2016 - 2017

Consideration was given to a report of the Operations Manager – Health and Community Protection in relation to the Licensing Fees and Charges for 2015 – 2016. (copy attached to the signed minutes).

The Business Partner (Commissioning) confirmed that all controllable costs were now recovered and noted that she did not have the information currently available to answer the questions in relation to the internal market recharges applied to Licensing, the surplus/deficit produced including the recharges and what the surplus/deficit would have been had internal market recharges not been applied. She agreed to circulate this information following the meeting.

RESOLVED:

- (1) The Committee noted the statutory fees that Shropshire Council was required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Part 1 of Appendix A and agreed to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2016 and instructs the Head of Public Protection to include the fees in the 2016/17 annual fees and charges report to be presented to the Council and further instructs the Head of Public Protection to implement, as appropriate, any other statutory fees that may be brought into force during the 2016/17 financial year.
- (2) The Committee agreed to implement, with any necessary modification, the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees on the 1 April 2016 and instructs the Head of Public Protection to publish, on the Council's website, the intention of the Committee to revise the fees as set out in Part 2 of Appendix A and further instructs the Head of Public Protection to include the fees in the 2016/17 annual fees and charges report to be presented to the Council.
- (3a) The Committee agreed to implement, with any necessary modification, the proposed fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Part 3 of Appendix A and instructs the Head of Public Protection, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it was proposed would be varied and to specify a period from 11 January 2016 to 14 February 2016 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.

AND

- (3b) The Committee agreed to implement the proposed variation to the fees on 15 February 2016, where no objections to the proposed variation in fees were received by 14 February 2016 or if all objections so made were withdrawn by the said date or where objections to the proposed variation to the fees were received by 14 February 2016 and were not withdrawn by the said date, the Committee would consider the objections at a meeting on the 30 March 2016

with a view to setting the date of 1 April 2016 (being a date not later than 2 months after the 15 February 2016) when the proposed variation to the fees would come into force with or without further modification.

- (4) The Committee instructed the Head of Public Protection to include the proposed fees, as set out in Part 3 of Appendix A, in the 2016/17 annual fees and charges report to be presented to the Council and that in respect of those fees that were subject to a proposed variation that these be recorded in the said annual report as 'provisional fees under consultation between 11 January 2016 and 14 February 2016; fees to be confirmed by 30 March 2016'.

32 Exercise of Delegated Powers

Consideration was given to a report of the Transactional Team Manager in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).

The Transactional Team Manager answered a number of general queries in relation to scrap metal collectors.

In response to a request from a Member, the Transactional Team Manager confirmed that a report in relation to Uber Taxis would be presented at the next meeting.

RESOLVED:

That the report of the Transactional Team Manager be noted.

33 Records of Proceedings - Licensing Sub-Committees

The records of proceedings of the Licensing Act Sub-Committee meetings from September 2015 to December 2015 were received by Members (Copies attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from September 2015 to December 2015 be noted.

34 Date of Next Meeting

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 30th March 2016 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and Date

Strategic Licensing
Committee

30th March 2016

Item

7

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional - Team Manager

Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to, amend, revoke or refuse driver and vehicle licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1 December 2015 and the 29 February 2016 and a summary of applications considered by committee.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licence policy or Out of Area policy is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licence policy is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 1 December 2015 to the 29 February 2016. During this period the total number of licences processed was 1242.
- 5.4 The Table in Appendix B shows that there was 1 Licensing and Safety Sub-Committee Meeting held between the 1 December 2015 and the 29 February 2016.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 December 2015 to the 29 February 2016, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 21st March 2012, vehicles and driver applications are now being considered by Officers using delegated powers. Evidence is obtained by the officers through interview with the applicants, to ascertain where they intend to operate to a material extent and to also obtain agreement that they will keep records if a licence is granted. In relation to Driver Applications where the decision is 'minded to refuse', a letter is sent to the applicant giving them an opportunity to make written representations stating any exceptional circumstances that they wish to be taken into consideration. This is in line with the rules of natural justice which state that there is a right to be heard before a decision is made.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Suspend'	Refuse to Grant	Revoke	To refer to Committee
New	3			3		
Renew		6	4		12	
Conduct		4			9	1
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Suspend'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Condition	2					

6. Conclusion

6.1 During the last three months the workload for the Licensing team continued to be high, the team have been working hard to maintain the flow of applications.

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

Cabinet Member (Portfolio Holder)

Councillor Malcolm Price – Portfolio Holder for Regulatory Services, Housing and Commissioning (Central)

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued 1 December 2015 to the 29 February 2016.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 December 2015 to the 29 February 2016.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 December 2015 to the 29 February 2016.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1st December 2015 and the 29 February 2016.

APPENDIX A

Licences issued – 1 December 2015 to the 29 February 2016.

General Licensing	Total
Acupuncture Personal	1
Acupuncture Premises	0
Animal Boarding	45
Animal Breeding	12
Caravan Sites	1
Cosmetic Piercing Personal	6
Cosmetic Piercing Premises	4
House to House Collection	8
Pet Shops	5
Riding Establishments	5
Scrap Metal Site	0
Scrap Metal Collector	0
Sex Establishment Licence	1
Street Collection	74
Street Trading Consent	4
Tattooing Personal	2
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	0
Zoo	1
Performing Animals	0
Distribution of Free Printed Matter	4
Total Applications General	173

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	17
Hackney Carriages	1
Total Surrendered Vehicles	18

Taxi Licensing		Total
Hackney Carriage	N	12
Hackney Carriage	R	25
Joint HC/PH Driver	N	19
Joint HC/PH Driver	R	93
Private Hire Operator	N	2
Private Hire Operator	R	25
Private Hire Vehicle	N	52
Private Hire Vehicle	R	173
Hackney Vehicle Transfer		9
Private Hire Vehicle Transfer		34
Private Hire Licensee Transfer		0
Trailer Licence		2
Total Taxi Applications		446

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	74
Premises Licence	11
Temp Event Notice no Alcohol	175
Temp Event Notice with Alcohol	0
Minor Variation Application	10
DPS Change/Variation	52
Transfer Application	18
Annual Fee	250
Premises Review	0
Premises Lic with Alcohol - Full Variation	5
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	596

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	3
Licensed Premise Gaming Machine Permit	3
Notification of Intent to have gaming machines	2
Club Machine Permits	4
Occasional Use Licence	2
Adult Gaming Centre	0
Small Society Lotteries	13
Change of Promoter	0
Annual Fee	0
Total Gambling Act 2005 Applications	27

Total Applications

1242

Total Surrendered Vehicles

18

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1 December 2015 to the 29 February 2016.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
24 th February 2016	Scheduled	Conduct of Licenced Driver	Shirehall	Issue a Warning

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 1 December 2015 to the 29 February 2016.**

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
13 th January 2016	Source Vodka Bar (First Floor), 8 Barker Street, Shrewsbury, SY1 1QJ	Sex Establishment Licence	Peter Adams, Keith Roberts and Viv Parry	Shirehall	Granted subject to conditions	n/a
13 th January 2016	Subway, 27 Claremont Street, Shrewsbury	New Premises Licence	Peter Adams, Keith Roberts and Joyce Barrow	Shirehall	Granted	n/a
13 th January 2016	The Huntsman and Whipper Inn, 15 High Street, Much Wenlock,	New Premises Licence	Peter Adams, Keith Roberts and Joyce Barrow	Shirehall	Granted	n/a
1 st February 2016	Bonds, Lower Claremont Bank, Shrewsbury	Variation of Premises Licence	Peter Adams, Andrew Davies and Keith Roberts	Shirehall	Granted	n/a
1 st February 2016	Source Vodka Bar, Barker Street, Shrewsbury, SY1 1QJ	Variation of Premises Licence	Peter Adams, Andrew Davies and Keith Roberts	Shirehall	Granted	n/a

APPENDIX D**Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 December 2015 and the 29 February 2016.**

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
5 th December 2015	7	0	0
5 th December 2015	5	1	4
23 rd January 2016	11	1	10
29 th January 2016	6	1	5
30 th January 2016	5	0	5
13 th February 2016	1	0	1
29 th February 2016	5	0	5
29 th February 2016	8	2	6

This page is intentionally left blank



<u>Committee and Date</u>
Strategic Licensing Committee
30 th March 2016

<u>Item</u>
8
<u>Public</u>

Overview of Private Hire Company “Uber”

Responsible Officer Karen Collier

e-mail: karen.collier@shropshire.gov.uk Tel: 01743 251711

1. Summary

This report has been prepared to provide information to Members of the Strategic Licensing Committee on the American based private hire company that trades as Uber. The company trades in the UK and around the world. There is increasing publicity surrounding the activities of this company which operates an online booking service for private hire vehicles.

2. Recommendations

Members are asked to note the content of the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 There is currently no indication that Uber want to extend their operations into Shropshire. However, Uber and similar companies are expanding their operations across the UK. If an application was made to Shropshire Council it would be considered in line with Shropshire Council's Hackney Carriage and Private Hire Licensing Policy 2015-19.
- 3.2 The significant risks presented by this type of operation are in relation to the ability to sub-contract bookings to other operators licensed in a different district. These arrangements have been allowed by the Deregulation Act 2015. An operator licensed by Shropshire Council can now sub-contract its bookings to an operator licensed by for example, Telford and Wrekin Council. Previously, sub-contracting could only take place between operators licensed in the same

district. This is not unique to companies such as Uber and sub-contracting can occur between existing traditional companies.

- 3.3 This change to sub-contracting arrangements has been implemented without the accompanying safeguards deemed necessary by the Law Commission's review of taxi licensing. For example, a requirement for the firm with whom the booking is made to advise the customer if it is being sub-contracted. In addition, officers are strongly of the view that the risks associated with sub-contracting could have been mitigated by, for example, requiring the consent of the hirer before passing on the booking and empowering enforcement officers within licensing authorities to take action against drivers who are operating in their areas even where they are licensed by another authority.
- 3.4 Whilst there are grounds to support sub-contracting arrangements such as ensuring a supply of licensed taxis or private hire vehicles, sub-contracting should only be permitted if all safety risks to passengers are robustly addressed. There is a strongly held view across licensing authorities and within the LGA that the current legislation does not permit officers to take action against a driver/operator who is licensed by another authority. Whilst it is not necessarily the view held by officers of this Authority, at best it can only take place where there are complex delegated authority arrangements in place between different local authorities and even where this is achieved, the risk of legal challenge around the vires of any enforcement action is significant.
- 3.5 This has particular relevance to the Shropshire and Telford & Wrekin areas because of the high level of cross-border working that is currently undertaken by private hire vehicles across these two authorities. In practice, it is a reality across many local authorities, particularly around geographical borders.
- 3.6 There have also been concerns raised regarding the fees set by Uber and the amount of commission they require which leaves many drivers working excessive hours leading to safety risks for the public.

4. Financial Implications

- 4.1 Concern has been raised by the trade that Uber presents unfair competition and will have a detrimental impact on the ability of hackney carriages to operate.

5. Background

- 5.1 Uber Technologies Inc. is an American international transportation network company and its headquarters are in San Francisco, California. The company develops, markets and operates the Uber mobile app, which allows consumers with smartphones to submit a trip request which is then routed to Uber drivers who use their own cars. Essentially it is an online booking service for private hire vehicles.
- 5.2 Using GPS, it detects the customer's location and connects them with the nearest driver. The customer can also request a specific type of car if they

- prefer - such as a luxury ride or a straightforward private hire vehicle. The app texts the customer when the driver arrives and they can check the identity of the driver against who actually shows up.
- 5.3 The service is reported to be available in 56 countries and 200 cities worldwide⁽¹⁾. The service is well established in London, Manchester, Leeds and Birmingham.
- 5.4 Uber is not the only smartphone app to have been developed to help connect passengers and taxi / private hire service providers. Other examples operating in the UK include Hailo, Addison Lee, Kabbee and Gett.
- 5.5 The activities of Uber have sometimes provoked controversy with questions raised about the fairness and legalities of their operating model. However within the UK it appears that Uber are operating lawfully within the private hire licensing regimes provided for in London by the Private Hire Vehicles (London) Act 1998 and in the rest of England and Wales under the Local Government (Miscellaneous Provisions) Act 1976.
- 5.6 The Uber website at www.uber.com/legal/gbr/terms states that Uber is the holder of Private Hire Vehicle Operator licences in each of the jurisdictions in which it operates, and accepts at its registered address and/or operations centre, private hire bookings made by the Uber App.
- 5.7 The controversy surrounding Uber's operations in London relate to the way that the fares charged to passenger using the Uber app are calculated and also the fact that they are generally cheaper than those charged by London's world famous "Black Cabs."
- 5.8 The fares charged by Uber are calculated via GPS and in London it has been argued that this is basically the same as using a taximeter which, in London, only licensed hackney carriages can use as a result of section 11 of the Private Hire Vehicles (London) Act 1998.
- 5.9 The controversy has led to protests from taxi drivers in London but Transport for London (TfL), which regulates taxi and private hire vehicles in the City, has taken legal advice and has concluded that Uber is not operating unlawfully and that the calculation of a fare via GPS is not the same as using a taximeter.
- 5.10 This is not necessarily the end of the matter however as the London Taxi Driver Association (LTDA) has apparently issued summonses at Westminster Magistrates Court to a number of Uber drivers whom it is seeking to privately prosecute for offences under section 11 of the Private Hire Vehicles (London) Act 1998.

⁽¹⁾ <http://uk.businessinsider.com/where-is-uber-launching-in-the-uk-2015-4>

- 5.11 It is important to recognise that the legal challenges to the way Uber operates in London are not replicated in the rest of England and Wales, as private hire vehicles are allowed to utilise taximeters outside of London as there is no equivalent provision to section 11 of the Private Hire Vehicles (London) Act 1998 in the Local Government (Miscellaneous Provisions) Act 1976.
- 5.12 Uber has now expanded its operation in England and Wales beyond London and the company now has licences to operate in Manchester, Leeds, Birmingham, Bristol, Newcastle and Sheffield. The company's expansion has been rapid and indications are that it will continue to grow and will seek to expand its services into other towns and cities throughout England and Wales.
- 5.13 As with all licensed private hire operators, Uber can dispatch vehicles and drivers to carry out work anywhere in the country, providing that the vehicle and driver that is allocated the booking is also licensed with the local authority that issued the relevant private hire operator licence.
- 5.14 Due to the relaxation on sub-contracting rules for private hire vehicles that came into effect on 1st October 2015, Uber can also sub-contract bookings to other licensed private hire operators in other local authority areas so that operator can dispatch an appropriately licensed vehicle and driver.
- 5.15 As bookings are made via the smartphone app, it is difficult to see how it can be proven precisely in which local authority areas Uber is "making provision for the invitation and acceptance of bookings for private hire vehicles" and therefore where it needs to obtain licences from.
- 5.16 The emergence of Uber and other smartphone taxi booking apps has highlighted the urgent need for reform of the badly outdated taxi and private hire legislation that struggles to cope with regulating this service due to modern technological advances like smartphones and the internet, which were not around in 1976.

6. Additional Information

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

- Deregulation Act 2015

Cabinet Member (Portfolio Holder)

Portfolio Holder for Regulatory Services, Housing and Commissioning (Central)
Councillor M Price

Local Member

All

Appendices

n/a

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 January 2016

10.00 - 11.51 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Vivienne Parry and Keith Roberts

13 Election of Chairman

RESOLVED:

That Councillor Peter Adams be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

14 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

15 Application for Sex Establishment Licence - Source Vodka Bar, Shrewsbury

Consideration was given to an application for a Sex Establishment Licence in respect of the Source Vodka Bar (First Floor), 8 Barker Street, Shrewsbury, SY1 1QJ.

Mr Michael Page (Applicant); Mr Jonathan Mason (Applicant's Representative); Councillor Andrew Bannerman (Local Ward Member); PC Kevin Roberts (West Mercia Police); Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr Mason addressed the Sub-Committee on behalf of the applicant. He explained that a Sex Establishment Licence was currently in place for the ground floor of the premises on a Thursday night adding that the operation had run for the past three years without any problems. The application proposed to increase the operation to 3 nights a week (Thursday – Saturday) and move the activity to a more suitable upstairs room that would be monitored more effectively.

In response to questions from the Public Protection Officer (Specialist), Local Ward Member, West Mercia Police and Members of the Sub-Committee, Mr Page confirmed that:

- The security plan had been submitted to West Mercia Police;
- The conditions as listed by PC Roberts were acceptable;
- The venue currently operated every Thursday night unless this fell on Christmas day or New Year's eve;

- The smoking area was currently used for this purpose;
- Customers would be able to purchase drinks from the bar but table service would also be available;
- The private booths would be curtained and include a panic button;
- The downstairs bar did not serve food;
- The premises operated a strict Challenge 25 policy and did not admit customers after 2am; and
- The premises was inspected annually by Shropshire Fire and Rescue Service.

The Public Protection Officer (Specialist) addressed the Sub-Committee. He confirmed that three representations had been received during the consultation period and read out the relevant guidance in relation to applications for Sex Establishment Licences.

In response to questions from the Local Ward Member and Members of the Sub-Committee the Public Protection Officer (Specialist) confirmed that:

- The times applied for in the new application were the same as the previous licence but were for two additional nights than at present;
- The standard policy did not permit any advertisement of the premises; and
- He was satisfied with the security plan which had been agreed by the Police.

PC Roberts addressed the Sub-Committee explaining that the Crime and Disorder figures for the premises were very low with just one minor incident recorded in the past two years. He noted that the applicant had agreed a number of conditions recommended by the Police but the Police still had concerns in relation to the location of the premises being close to religious and educational establishments.

In response to questions from the applicant and Members of the Sub-Committee PC Roberts confirmed that:

- The religious and educational establishments noted were those in the line of sight; and
- Most people were not aware that the premises was a Sex Establishment due to its elevated position and lack of advertising.

Councillor Andrew Bannerman addressed the Sub-Committee explaining that the establishment would impact negatively on the character of the Town. He stated that the old Tannery building had been given planning permission for University student accommodation and this should be taken on board by the Sub-Committee when determining the application along with the other educational and religious buildings in the close vicinity of the premises.

In response to questions from the applicant and Members of the Sub-Committee Councillor Bannerman confirmed that:

- There had not been any objections received from residents when the original application was approved;

- There were greater risks involved than the original application as the activity would be increased; and
- He was aware of the original application allowing the premises to operate every Thursday night.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11:20 a.m. and reconvened at 11:50 a.m. to announce their decision.

RESOLVED:

That the application for a Sex Establishment Licence for Source Vodka Bar (First Floor), 8 Barker Street, Shrewsbury, SY1 1QJ be granted for the following days and hours:

Opening Hours

Thursday - Saturday 21:00 to 03:00

Subject to the following standard conditions:

Access to premises

1. Access must be afforded to all parts of the premises at all reasonable times to authorised officers of the Council, the police, the fire service and any other authorised agencies.

Windows, fascia board advertisement and displays

2. The interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - a) the address of the premises
 - b) the licensed name of the premises
 - c) a notice stating the opening hours of the establishment
 - d) a notice in accordance with paragraph 4.3 of these conditions
 - e) in the case of a licence granted to a body corporate:
 - (i) if the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) if the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.

4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. The licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

Licensed name

6. At the time of granting the licence in respect of the premises the Council will appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
7. To change the licensed name, a minor variation application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

Exhibition of licence and other information

8. A copy of the Licence and these conditions as issued by the Council shall be retained in a clean and legible condition and exhibited in a position that can easily be seen by all persons using the premises.
9. A copy of the conditions of the Licence and these conditions (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
10. There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sexual Entertainment Venue
11. On an appropriate internal door there shall be displayed a notice following the example laid down in the Indecent Displays (Control) Act 1981 namely the following or similar words:

"WARNING Persons passing beyond this notice will find material on display (activities being undertaken) which they may consider indecent. No admittance to persons under 18 years of age"

Responsibilities of the licensee

12. The licensee shall take all reasonable precautions for the safety of the public and employees on its premises and, except with the consent of the Council,

shall retain control over all parts of the premises. Any request to sublet the premises following the grant of a licence will be determined through an application to vary the licence granted.

13. The premises shall not be used for regulated entertainment as defined by the Licensing Act 2003, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.
14. The licensee, or any person purporting to act upon their behalf, shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.
15. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
16. The written nomination referred to in condition 13 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
17. The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
18. A notice showing the name of the person responsible for the management of the SEV shall be prominently displayed within the SEV throughout the period during which they are responsible for its conduct.
19. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.
20. The licensee shall operate a Challenge 25 Policy and persons who appear to be under the age of 25 shall be required to show valid photographic proof of identification.

Management and staffing of the licensed premises

21. The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers contracted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them.
22. The term contracted does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, these such persons must be aged 18 years and over if the premises are open for business.

23. The licensee shall ensure that all persons employed or contracted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
24. The licensee or a responsible person purporting to act upon their behalf shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
25. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified by way of a minor variation application to the Council within 14 days of such change.

Change of location and maintenance/repairs

26. Where licensed premises are a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. NB This requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
27. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display ("minor variations") shall not be made except with the prior approval of the Council.
28. The applicant for a minor variation to the premises shall send to the Council a completed form accompanied by a revised plan where applicable of the proposed changes together with the minor variation fee and display a notice on white paper for a period of 14 clear days starting with the day on which notice is served on the Council, on or near the premises.
29. A copy of the minor variation application and any revised plan comments as above shall also be submitted to the chief officer of the police for the police area in which the premises are situated and the Environmental Health Service within 7 days of making the application to the Council.

Club rules

30. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
31. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

Fees

32. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

Performances

33. No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted" so that it can be easily read by persons entering the premises.
Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
34. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
35. Performers shall be aged not less than 18 years.
36. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
37. During any performance (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the viewing audience except:
 - a. Leading a patron hand in hand to and from a chair or private room or designated dance area.
 - b. Simple handshake greeting at the beginning and/or end of the performance.
 - c. A customary ("peck on the face") kiss at the end of the performance.
 - d. The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
38. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.

39. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.
40. Any person connected with or employed by the business that can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. Scantily clad shall mean that nudity or underwear is visible.
41. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
42. At all times during a performance, performers shall have unrestricted access to a dressing room.
43. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera, mobile phone or any other recording device.

Door supervisors

44. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by the Security Industry Agency or appropriate agency.
45. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
46. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

47. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff areas. All cameras shall continuously record whilst the premises are open to the public and video or digital recordings shall be kept available for a minimum of twenty eight days.
48. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed.
49. The premises will provide any footage of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

Touting for business away from the premises

50. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
51. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
52. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.
53. The licensee shall ensure that any marketing communications associated with the SEV or relevant entertainment shall comply with all legal requirements and with the code of practice as issued by the Advertising Standards Authority.

Opening Hours

54. The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Sub-Committee.

And subject to the following additional conditions recommended by West Mercia Police:

1. All private booths will be fitted with CCTV cameras linked up to the recording system at the location. As with premises CCTV system all footage will be retained for a minimum of 28 days and be of digital image format and colour with production on request to the Police and Shropshire Council and any other agency that has a right to request such footage.
2. All private booths and the stage dancing area will be fitted with panic buttons for the safety of the performers and staff.
3. A security plan will be submitted for the SIA staff on duty at the location which will be agreed by the Police and Shropshire Council.
4. SIA security staff will be on duty at all times the premises is open to the public.
5. At least 1 SIA door supervisor to be on duty at all times in the vicinity of the private booths and the stage area, which is in addition to the standard requirement and will be set out in the security plan for the location.

6. The windows of the location will be blacked out to a level preventing sighting into the location from any exterior location.
7. The stage dancing area will be situated to the rear of the premises to the alcove area to the side of the bar to prevent viewing of such area when the central double doors are opened to allow persons to enter the balcony smoking area on the first floor of the building.
8. The premises will become a member of the Safer Shrewsbury radio linking system via Pubwatch.
9. Notices will be displayed in the premises reminding patrons to leave the location quietly and respect the rights of local residents.
10. The premises will operate a challenge 25 policy at the location.
11. A member of staff will be on the premises at all times trained in the operation of the venues CCTV.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Shropshire Council's Sex Establishments Policy.

The Sub-Committee had fully discussed and taken into account the locality of the premises, in particular its proximity to Claremont Church, Shrewsbury VI Form College and the new university accommodation. The Sub-Committee also noted the concerns of the Local Member and West Mercia Police. However, having considered the application in detail and the answers given by the applicant the Sub-Committee decided to grant the application for 12 months, with conditions (Standard from the Shropshire Council Sex Establishments Policy and the additional conditions requested by West Mercia Police).

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that the applicant had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 January 2016
12.00 - 1.11 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Joyce Barrow and Keith Roberts

16 Election of Chairman

RESOLVED:

That Councillor Keith Roberts be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

17 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

18 Application for a Premises Licence - Subway, 27 Claremont Street, Shrewsbury

Consideration was given to an application for a Premises Licence in respect of Subway, 27 Claremont Street, Shrewsbury, Shropshire, SY1 1QG

Mr Michael Gries (Applicant); Councillor Andrew Bannerman (Local Ward Member); PC Kevin Roberts (West Mercia Police); Mr Alan Shrank (Interested Party); Mr Nigel Harrison (Interested Party); Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr Gries addressed the Sub-Committee explaining that although Subway was an international company the Shrewsbury franchise was a family business which employed local people. He noted that Subway stores in other Towns and Cities opened until 3am and beyond and added that there were other premises in the Town such as McDonalds that opened until 3am.

In response to questions from the Local Ward Member, West Mercia Police, Interested Parties and Members of the Sub-Committee Mr Gries confirmed that:

- The request from the Police in relation to CCTV was in place and he was happy to be a member of shop/pubwatch radio link system;
- He had visited other Subway stores which opened until 3am;
- The business served submarine sandwiches to either takeaway or eat on the premises;

- The door staff would monitor customers to ensure that they did not cause a noise nuisance;
- All staff were trained to a high standard and planning consent was not required for the extension of hours;
- The business did not sell soup and added that no hot drinks would be served after 11pm;
- He intended to trade from 7am – 3am but realised that it would take a while to build up the trade and that sales were likely to dip between 7pm – 9pm; and
- The door staff would be employed from 10pm.

The Public Protection Officer (Specialist) addressed the Sub-Committee. He noted that there was an error on the report in relation to opening hours and confirmed that there were over 10 premises in the town centre with late night refreshment licences.

In response to questions from the Local Ward Member, Interested Parties and Members of the Sub-Committee the Public Protection Officer (Specialist) confirmed that a late night refreshment licence was only required from 11pm.

PC Roberts addressed the Sub-Committee in relation to the application. He confirmed that there were no Crime and Disorder issues linked to the premises and listed a number of conditions requested by the Police which had been agreed by the applicant.

In response to questions from the Interested Parties and Members of the Sub-Committee PC Roberts confirmed that:

- The Police would encourage food following alcohol consumption but noted that the congregation of people in one area caused crime/disorder;
- The litter pick area was a sensible area to include;
- The condition in relation to the removal of non-fixed furniture had been used for many years and was to avoid the furniture being used as a weapon; and
- A section of fixed seating would remain available for customers who wished to consume their food on the premises.

Councillor Andrew Bannerman addressed the Sub-Committee. He stated that the application was a large extension of the current business and explained that the Town Council had sought to zone the late night economy to the outside edges of the town centre. This application, however, allowed a creep into the town centre and would adversely affect residents.

Mr Shrank addressed the Sub-Committee explaining that the application would increase the anti-social behaviour that currently occurred in the town centre as a result of the late night economy which would have an adverse effect on residents and the businesses.

At this point the meeting was adjourned for 10 minutes to allow the Sub-Committee Members the opportunity to read the representations received in relation to the application.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 1:01 p.m. and reconvened at 1:09 p.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Subway, 27 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Provision of Late Night Refreshment (off premises)
Wednesday, Friday and Saturday 23:00 to 03:00

Opening Hours

Monday, Tuesday, Thursday– 07:00 to 23:00
Wednesday, Friday and Saturday 07:00 to 03:00
Sunday 10:00 to 17:00

And in accordance with the following operating schedule.

Prevention of Crime and Disorder

1. Two SIA registered door staff to be employed at the premises between 23:00hrs and close of business on all days of trading post 23:00hrs.
2. CCTV will be in operation at the premises covering the internal customer service and seating areas also a CCTV camera to be situated to cover external front entrance to the premises. CCTV to be retained at the premises for a minimum of 28 days and all recordings to be in a digital format and in colour. Production of such recordings upon request to the police and council officials and any such other agency that has a right to request such footage.
3. A member of staff shall be on the premises at all times who is trained in the operation of the CCTV equipment at the location.
4. The premises will be a member of the local shop/pubwatch radio link system via membership with the safer Shrewsbury shop/pubwatch group.
5. On trading days post 23:00hrs until close all furniture in the part of the premises accessible by customers to be either securely fixed in position or removed from that part of the premises the public have access to.

Prevention of Public Nuisance

1. After 23:00hrs till close a litter pick will be conducted every hour by a member of staff not including SIA door staff, focusing on items of litter relating to the premises that may be present in Claremont street Shrewsbury .
2. Notices will be displayed at the premises asking customers to leave quietly, respect the rights of local residents and dispose of any litter responsibly.

Protection of Children from Harm

1. No one under 18 yrs of age allowed on site after 23:00hrs.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of the Local Member and the other parties and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the applicant had taken appropriate steps to promote the licensing objectives and therefore granted the application as detailed above (subject to the inclusion of additional conditions as recommended by West Mercia Police – as detailed in the Committee Report).

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 January 2016
2.00 - 3.28 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Joyce Barrow and Keith Roberts

19 Election of Chairman

RESOLVED:

That Councillor Keith Roberts be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

20 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

21 Application for a Premises Licence - The Huntsman and Whipper Inn, 15 High Street, Much Wenlock, Shropshire TF13 6AA.

Consideration was given to an application for a Premises Licence in respect The Huntsman and Whipper Inn, 15 High Street, Much Wenlock, Shropshire, TF13 6AA.

Mr Richard Beaman (Applicant); Ms Annabel Beaman (Applicant's daughter); Ms Josephine Wylde (Interested Party); Ms Melanie Revolta (Interested Party); Ms Faith Smith (Interested Party); Mrs Marjorie Lee (Interested Party); Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr Beaman addressed the Sub-Committee stating that the premises was previously a coaching inn and he intended to revert the property back to this original use. Mr Beaman went on to outline his future plans for the business and noted he operated a bar and restaurant in Bridgnorth.

In response to questions from the Public Protection Officer (Specialist), Interested Parties and Members of the Sub-Committee Mr Beaman confirmed that:

- The planning department had not raised any objection verbally to reverting the property back to a coaching inn;
- He was advised to apply for a premises licence before planning approval due to the cost implications;

- He had included the outside space within the licensable area as it would enable the area to be properly monitored;
- The outside area would only be used occasionally to the times specified but was included in the application to allow flexibility and avoid the need to apply for Temporary Event Notices (TEN) for each event;
- He knew Much Wenlock well and would not introduce a business that was out of keeping with the area;
- The music inside the premises would be background in nature and any music outside would be kept to a reasonable level and time;
- The application included food to be served until 11.30pm to allow for an event such as evening wedding reception with a hog roast;
- He would book a suitable time slot for deliveries/bottle collection during the day and request a smaller vehicle;
- He was unsure at present in relation to the number of events but envisaged less than 20 in a year but more than the 12 entitled to through TEN;
- There was a large car park adjacent to the premises with around 40 parking spaces available; and
- He intended to hold wedding receptions inside but would imagine that on a summer day guests would probably want to sit outside afterwards.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that 16 representations had been received in relation the application and added that the Town Council had also raised concerns but were unable to attend the hearing.

In response to questions from the Interested Parties and Members of the Sub-Committee the Public Protection Officer (Specialist) confirmed that:

- Any conditions added to the licence in relation to live/recorded music would only apply from 11pm;
- If the applicant had stated that the music inside the premises was background in nature it should not be heard from nearby properties;
- Should any problems occur any Licence issued was subject to review; and
- The Council tried to resolve issues of this nature as informally as possible and were usually resolved before they got to the review stage.

Ms Wylde addressed the Sub-Committee explaining that her main concern with the application was the hours requested and stated that they were in conflict with the rural characteristics of the area.

Ms Revolta addressed the Sub-Committee explaining that due to the closeness of the premises to residential properties the application would have an adverse effect on residents. She added that she was unsure about what type of business was being proposed by the applicant.

Ms Smith addressed the Sub-Committee explaining that the premises was surrounded by residential properties and there was already disruption to residents from the other pubs and takeaways in the area. She noted that she was also concerned about any lighting that would be used in the outside area and car parking issues.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 3:11 p.m. and reconvened at 3:23 p.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for The Huntsman and the Whipper Inn, 15 High Street, Much Wenlock, Shropshire TF13 6AA be granted for the following days, hours and licensable activity:

Films - indoors

Monday to Sunday – 09:00 to 23:00

Live Music – indoors and outdoors

Monday to Sunday – 08:00 to 23:00

Recorded Music, Performance of Dance – indoors and outdoors

Monday to Sunday – 08:00 to 00:00

Provision of Late Night Refreshment - on and off the premises

Monday to Sunday 23:00 to 01:00

Supply of Alcohol - on and off the premises

Monday to Sunday – 08:00 to 01:00

Opening Hours

Monday to Sunday – 08:00 to 01:30

Prevention of Crime and Disorder

1. Colour digital CCTV system (covering both externally and internally) operating at all times licensable activities are taking place, the recordings are kept for a minimum of 31 days. Recordings will be made available in a viewable format to Shropshire Council or the police on request.
2. Security/burglar alarm operating at all times when premises are closed.
3. Staff training in licensing law, Challenge 25, conflict management to be received prior to effecting any alcohol sales. Training records retained. Annual refresher training for all staff responsible for alcohol sales to be undertaken.

Public Safety

1. Good quality lighting both outdoors and indoors, using sodium lights (reduce shadowing).
2. Emergency exits to be alarmed when premises open to public.

Prevention of Public Nuisance

1. Use of the outside patio/deck area facing High Street shall cease at 23:00.

2. Use of the outside courtyard area to the rear of the property, except for smoking in a designated smoking area, shall cease at 23:00 Sunday to Thursday and 23:30 on Friday and Saturday.
3. Recorded music to be background only.

Protection of Children from Harm

1. A Challenge 25 policy will be operated at the premises with notices informing of the policy being displayed within the premises. Those responsible for alcohol sale(s) must be trained on this policy. Regular refresher training to enforce this policy.
2. All alcohol sale refusals will be noted in a refusals register which will be available for inspection by an officer of a responsible authority on request.
3. Acceptable proof of identification will be a passport, photocard driving licence or recognised proof of age card.
4. Till prompts to remind staff to request proof of age.
5. A documented policy setting out measures to protect children from harm.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of Local Residents and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the applicant had taken appropriate steps to promote the licensing objectives and therefore granted the application as detailed above.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 1 February 2016

**10.00 - 11.22 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Peter Adams, Andrew Davies and Keith Roberts

22 Election of Chairman

RESOLVED:

That Councillor Andrew Davies be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

23 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

24 Application for a Variation of a Premises Licence - Bonds, Lower Claremont Bank, Shrewsbury

Consideration was given to an application for a Variation of a Premises Licence in respect of Bonds, Lower Claremont Bank, Shrewsbury, Shropshire, SY1 1HH.

Mr G. White (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer – Specialist), PC Kevin. Roberts (West Mercia Police), Claire Augustus (West Mercia Police) and Mr R. Isaac (Objector) were present.

The Applicant and his Legal Representative were not in attendance. The Sub-Committee agreed to adjourn the meeting until 10.30 a.m. to allow the applicant time to attend.

The meeting reconvened at 10.30 a.m.. Mr G. White (Solicitor – Shropshire Council) informed the Sub-Committee that the Solicitor for the applicant had confirmed that he would not be attending the Hearing. The Sub-Committee agreed to proceed with the hearing in the absence of both the applicant and their legal representative.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

PC Roberts (West Mercia Police), addressed the Sub-Committee presented his case to the Sub-Committee. PC Roberts explained that extending the operating times of the premises would lead to an increase in crime and disorder within the area. An extension of the opening hours may also have a detrimental impact on the residents living within the town centre and their right to peace and quiet.

In response to questions from Members of the Sub-Committee PC Roberts confirmed that:

- Although the area surrounding the premises was not predominantly residential, customers would be leaving the town centre via residential areas;
- Crime and disorder offence statistics were given, and it was highlighted that incidents ceased between the hours of 04:00 and 05:00 hours; and
- There was no evidence to directly link any of the incidents to Bonds.

Mr R. Isaac (Objector) addressed the Sub-Committee stating that if approved the additional opening hours would have a detrimental effect on local residents, particularly their right to enjoy a peaceful night's sleep, through the noise of customers leaving the premises and making their way home and also the noise from the opening and closing of the premises door.

In response to questions from Members of the Sub-Committee, Mr Isaac confirmed that:

- He lived opposite to the Sixth Form College: and
- He feared that the situation would be made worse near Bonds, because of the lack of public transport in the area and its close proximity to a busy junction.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 10:51 a.m. and reconvened at 11:03 a.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for Bonds, Lower Claremont Bank, Shrewsbury, SY1 1RT, be granted for the following days, hours and licensable activity:

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

Mon - Sat 10:00 - 04:00

Sun 10:00 - 02:00

Opening hours

Mon - Sat 10:00 -04:30

Sun 10:00 - 02:30

And in accordance with the operating schedule contained within the current premises licence.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing and were satisfied that the application would not compromise the licensing objectives.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

25 Application for a Variation of a Premises Licence - Source Vodka Bar, Barker Street, Shrewsbury

Consideration was given to an application for a Variation of a Premises Licence in respect of Source Vodka Bar, Barker Street, Shrewsbury, Shropshire, SY1 1QJ.

Mr G. White (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer – Specialist), PC Kevin. Roberts (West Mercia Police) and Claire Augustus (West Mercia Police) were present.

The Applicant and their Legal Representative were not in attendance. The Sub-Committee agreed to proceed with the hearing in the absence of the applicant or their legal representative.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received. In response to a question from a Member of the Sub-Committee, the Public Protection Officer (Specialist) explained that the application being considered was for both floors within the premises and the sexual entertainment venue licence was separate from the application before the Sub-Committee.

PC Roberts (West Mercia Police), addressed the Sub-Committee. PC Roberts provided an overview of the figures in relation to crime and disorder incidents directly associated with the venue.

In response to questions from Members of the Sub-Committee PC Roberts confirmed that:

- The figures quoted for Crime and Disorder did not relate to the Sexual Entertainment Venue licence which only operated on Thursday nights; and
- The crime and disorder figures had not triggered a request for a review of the premises licence because, given the overall popularity of the venue, the crime statistics were considered to be low.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11:13 a.m. and reconvened at 11:21 a.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for Source Vodka Bar, Barker Street, Shrewsbury, SY1 1QJ be granted for the following days, hours and licensable activity:

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

Mon - Tue 09:00-02:00

Wed - Sat 09:00-04:00

Sun 12:00-02:00

Late Night Refreshment (indoors)

Sun - Tue 23:00-02:00

Wed - Sat 23:00-03:00

Opening hours

Mon - Tue 09:00-02:30

Wed - Sat 09:00-04:30

Sun 12:00-02:30

And in accordance with the operating schedule contained within the current premises licence

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing and were satisfied that the application did not compromise the licensing objectives.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date: