

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

Date: Friday, 3 July 2015

**Committee:  
Licensing Act Sub-Committee**

**Date: Monday, 13 July 2015**

**Time: 10.00 am**

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

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

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

**Members of Licensing Act Sub-Committee**

Joyce Barrow  
Vivienne Parry  
Keith Roberts

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 252726

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

**1 Election of Chairman**

To elect a Chairman for the duration of the meeting.

**2 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.

**3 Application for a Variation of a Premises Licence - Seven Bar and Attic, 8 Broadway, Shifnal, Shropshire (Pages 1 - 16)**

Report of the Public Protection Officer (Specialist) is attached, marked 3.  
Contact Simon Ditton on 0345 6789026



Licensing Act Sub-Committee

Monday 13<sup>th</sup> July 2015 at

10am

Item

**3**

Public

## LICENSING ACT 2003

### APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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

#### 1. Summary

To consider an application for a new Premises Licence.

Premises: Bar Seven & Attic, 8 Broadway, Shifnal, Shropshire, TF11 8AZ. A location plan is attached to the report as Appendix A.

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

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

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

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

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

## 2. Recommendations

That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

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

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

## REPORT

### 3. Human Rights Act Appraisal

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

### 4. Financial Implications

None.

### 5. Purpose of Report

To consider an application for a new Premises Licence for Bar Seven & Attic, 8 Broadway, Shifnal, Shropshire, TF11 8AZ.

### 6. Background

- 6.1 Mr Simon Paul Moxham, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

#### **Recorded Music - indoors**

Monday to Thursday – 11:00 to 01:00

Friday to Sunday - 11:00 to 02:00

Xmas Eve - 11:00 to 02:00

#### **Late Night Refreshment – indoors**

Monday to Thursday – 23:00 to 01:00

Friday to Sunday – 23:00 to 02:00

Xmas Eve - 23:00 to 02:00

**Supply of Alcohol - on and off the premises**

Monday to Thursday – 11:00 to 01:00

Friday to Sunday - 11:00 to 02:00

Xmas Eve - 11:00 to 02:00

**Opening Hours**

Monday to Thursday – 11:00 to 01:30

Friday to Sunday - 11:00 to 02:30

Xmas Eve - 11:00 to 02:30

**Non-standard timings**

End time on New Year's Eve is start time on New Year's Day for opening and all activities (save late night refreshment 05:00 on New Year's Day).

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

6.2.1 Prevention of Crime and Disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering all of the entrance doors and the main alcohol dispensing area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 28 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request,.
4. The system must be able to export recorded images to a removable means eg CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public.
6. The system will display, on any recording, the correct date and time of the recording

6.2.2 Public Safety

1. REGULAR RISK ASSESSMENTS ARE MAINTAINED AND RECORDED.
2. ACTION WILL BE TAKEN TO CONTROL ANY HAZARDS THAT MAY BE IDENTIFIED
3. FIRE SAFETY CHECKS WILL TAKE PLACE REGULARLY AND BE RECORDED.
4. FIRE FIGHTING EQUIPMENT WILL BE MAINTAINED AND REGULARLY SERVICED.
5. ADEQUATE LIGHTING SYSTEMS ARE INSTALLED

6.2.3 Prevention of Public Nuisance

1. ANY ISSUES OF PUBLIC NUISANCE WILL BE ADDRESSED AND DEALT WITH WHENEVER NECESSARY.

2. CUSTOMERS WILL BE ASKED TO LEAVE THE PREMISES QUIETLY.
3. LIASE WITH AUTHORITIES AND LOCAL RESIDENTS TO RESOLVE ANY ISSUES OF PUBLIC NUISANCE THAT MAY ARISE.

#### 6.2.4 Protection of Children from Harm

1. A STRICT CHALLENGE 25 POLICY IS IN OPERATION AND ONLY A PASSPORT, PHOTOCARD, DRIVING LICENCE OR PASS ID WITH HOLOGRAM IS ACCEPTABLE PROOF OF AGE.
2. A RECORD OF SERVICE REFUSALS WILL BE MAINTAINED AND WILL BE MADE AVAILABLE FOR INSPECTION BY THE POLICE AND OTHER AUTHORITIES UPON REQUEST.
3. ALL STAFF ARE TRAINED TO PROMOTE THE LICENSING OBJECTIVES AND CARRY OUT THEIR STATUTORY RESPONSIBILITIES IN RELATION TO PUBLIC SAFETY.
4. TRAINING RECORDS WILL BE MAINTAINED AND MADE AVAILABLE FOR INSPECTION BY AUTHORITIES IF REQUIRED.

- 6.3 The premises currently has the benefit of a Premises Licence (PL/SC/15/01683) which authorises all of the activities applied for in the application with the hours: Mon-Thu 12:00-01:00 Fri-Sun 12:00-02:00 Xmas Eve end 02:00. The opening hours are Mon-Thu 12:00-01:30 Fri - Sun 12:00-02:30 Xmas Eve end 02:30. The same New Year's Eve hours apply to that Licence, as per the current application. The applicant is the current designated premises supervisor under that Licence.

### 7. **Objections Received (Responsible Authorities)**

None.

### 8. **Objections received (Other Persons)**

- 8.1 One representation has been received from other persons, who have concerns in respect principally of crime and disorder and public nuisance. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise/disturbance from customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.
- 8.2 The applicant has indicated that he wishes to continue with the application as detailed above.
- 8.3 The representation has not been withdrawn.

### 9. **Options for Consideration**

- 9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- To refuse to grant the licence
  - To grant the licence with conditions
  - To grant the licence but restrict the licensable activities

- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraphs 6.2 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.

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

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

## **10. Standard of Decision Making**

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

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

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

10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

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

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

Shropshire Council Licensing Policy.

Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015).

The Licensing Act 2003 (Hearings) Regulations 2005.

Application form and associated papers. Current Licence.

Copy of representation received.

**Cabinet Member (Portfolio Holder)**

Cllr M Price

**Local Member**

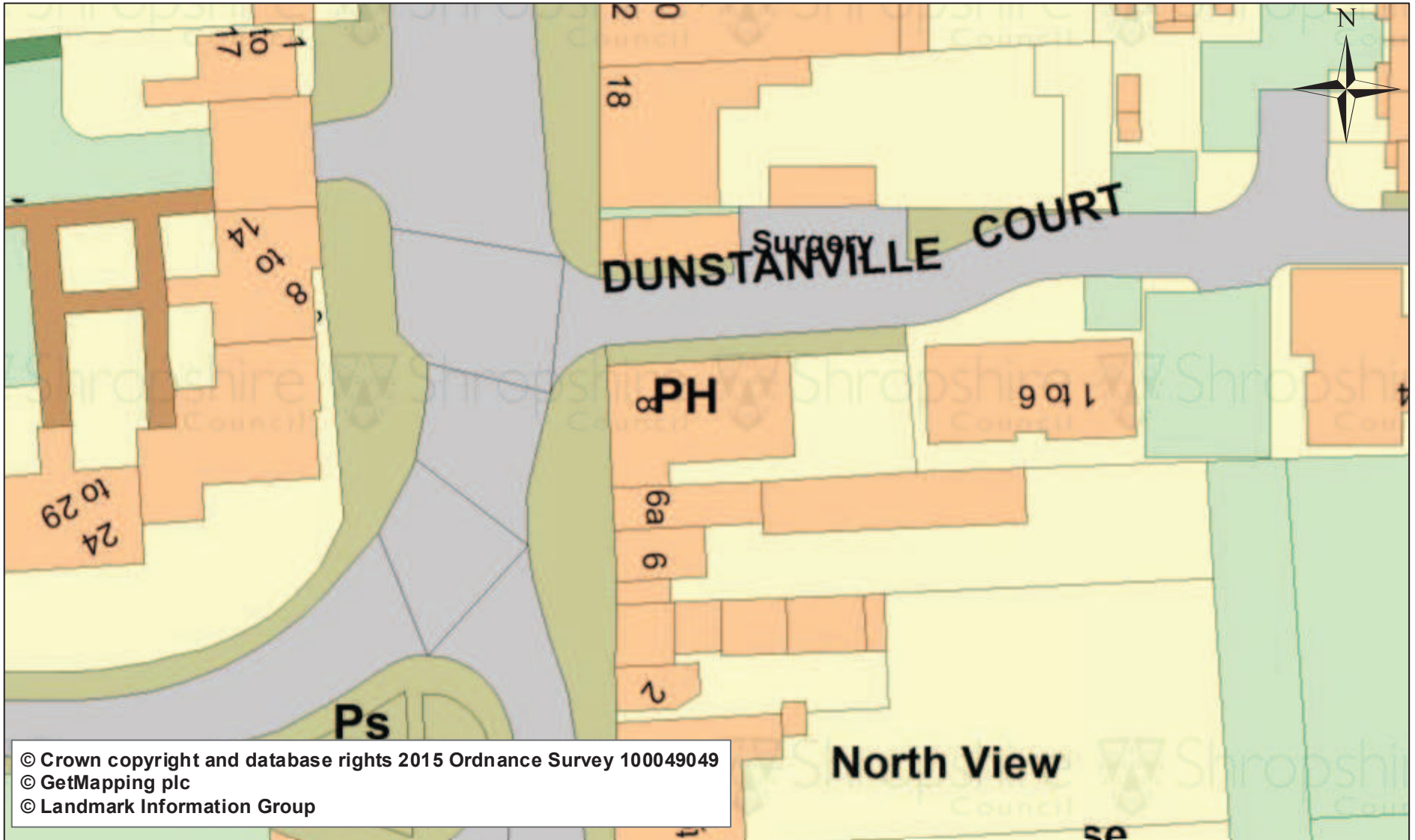
Cllr Kevin Turley

**Appendices**

Appendix A – Location Plan

Appendix B – Existing Licence





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## Bar Seven



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# Premises Licence WITH Alcohol

Licensing Act 2003

# PL/SC/15/01683

This Licence is Issued by



Licensing Team  
Public Protection  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire SY2 6ND

web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)  
Tel.: 0345 678 9026

## Part 1 - Premises Details

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

Seven Bar and Attic Restaurant  
Broadway, Shifnal, Shropshire, TF11 8AZ

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

### Licensable activities authorised by the licence:

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

### The Opening Hours of the Premises

Mon - Thu 12:00-01:30

Fri - Sun 12:00-02:30

Non-standard timings for opening and all licensable activities

Christmas Eve 12:00 to 02:00. New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

### The times the licence authorises the carrying out of licensable activities

<b>Recorded Music</b>	Mon - Thu 12:00-01:00 Fri - Sun 12:00-02:00
<b>Indoors</b>	
<b>Late Night Refreshment</b>	Mon - Thu 23:00-01:00 Fri - Sun 23:00-01:00
<b>Indoors</b>	

<b>Supply of Alcohol</b>	Mon - Thu 12:00-01:00 Fri - Sun 12:00-02:00
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**Where the Licence Authorises Supplies of Alcohol whether  
these are on and/or off Supplies**

On and Off Premises

**Part 2**

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

Seven Bar and Attic Restaurant Ltd  
 Broadway, Shifnal, Shropshire, TF11 8AZ

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

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

Mr Simon Paul Moxham

**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.: 15/01573

Issued by: Shropshire

### Annex 1 - Mandatory Conditions

#### For the supply of alcohol

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

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

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

#### Door Supervision

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

#### Mandatory Drinks Code Conditions

1. (1) The responsible person must 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—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or,
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (d) 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;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must 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.

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Mandatory Price Conditions**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Paragraph 2 applies where the permitted price given by sub-paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating schedule**

### **General**

- 
1. Ensure all staff are trained to understand their legal responsibilities and to support the four licensing objectives;
  2. Ensure staff are trained to carry out their statutory duties in respect of public safety;
  3. Ensure sufficient personal licence holders for the premises.

#### **Prevention of Crime & Disorder**

To prevent zoning, new customers will not be admitted after 11.30pm unless they have booked a restaurant table

#### **Public Safety**

1. Fire and safety risk assessments are regularly carried out;
2. Fire equipment is maintained and serviced, including fire escape, fire alarm and extinguishers;
3. Emergency lighting is maintained.

#### **Prevention of Public Nuisance**

1. Notices will be displayed asking customers to leave the premises quietly;
2. New filter extraction system installed, includes fully maintained grease trap to contain cooking odour;
3. The external drinking area will be closed at 11.30pm.

#### **Protection of Children From Harm**

1. Request ID at the bar. Spot check ID around the premises. Display signs advising buying and consuming alcohol under the age of 18 years is a criminal offence. Children under 18 years must be accompanied by an adult.
2. Children under 18 years not allowed to play A.W.P.s;
3. Challenge 25 policy implemented with Challenge 25 posters displayed prominently on the premises. A till prompt used to remind staff to challenge under age purchasers;
4. All staff to be trained in I.D. procedures and all training recorded;
5. A refusals book to be maintained at all times, recording all incidents of refused sales

#### **Children Concerns**

1. No person under the age of 18 years shall be allowed on the premises after 9.30 unless they are accompanied by a person over the age of 18 years and for the purposes of taking a substantial table meal in the second floor restaurant.
2. No person under the age of 18 years shall be allowed into the ground floor up to 9.30 unless they are accompanied by a person over the age of 18 years and for the purposes of consuming food.
3. No person under the age of 18 years shall be allowed into the beer garden up to 9.30 unless they are accompanied by a person over the age of 18 years.

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

Conditions attached as resolved at the review hearing on 3 October 2012

1. (Replaced by Minor Variation application 4 December 2013)
2. To employ door staff on every Friday and Saturday evening to enforce their Challenge 25 policy to be employed from 7:30pm until close of business.
3. To employ an external 'test purchase' provider who will, at least 4 times a year, test staff willingness to sell alcohol to persons under 25 without providing a proof of age challenge.
4. The results of these test purchases to be sent to the Chief Officer of Police and Trading Standards Officers within 14 days of receipt.
5. Recognised licensee's courses must be undertaken by all staff members.
6. To permanently secure the external entrance to the beer garden with an alarmed one way fire exit gate to be closed at all times.

**Annex 4 – Plans**

Drawing Number: 001 and 002 Dated: 09.11.2005



# Premises Licence WITH Alcohol Summary

Licensing Act 2003

# PL/SC/15/01683

**This Licence is Issued by**



Licensing Team  
Public Protection  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire SY2 6ND

web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)  
Tel.: 0345 678 9026

## Premises Details

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

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<b>Indoors</b>	

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<b>Supply of Alcohol</b>	Mon - Thu 12:00-01:00 Fri - Sun 12:00-02:00
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**Where the Licence Authorises Supplies of Alcohol whether  
these are on and/or off Supplies**

On and Off Premises

**Name, (Registered) Address of Holder of Premises Licences**

Seven Bar and Attic Restaurant Ltd  
Broadway, Shifnal, Shropshire, TF11 8AZ

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

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

Mr Simon Paul Moxham,