

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

Date: Tuesday, 5 January 2016

**Committee:**  
**Licensing Act Sub-Committee**

**Date:** Wednesday, 13 January 2016

**Time:** 12.00 pm

**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**

Peter Adams  
Joyce Barrow  
Michael Wood

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257718

Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@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 Premises Licence - Subway, 27 Claremont Street, Shrewsbury (Pages 1 - 8)**

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



## Committee and Date

Licensing Act Sub-Committee

13<sup>th</sup> January 2016

## Item

3

Public

## LICENSING ACT 2003

### APPLICATION FOR 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: Subway 27 Claremont Street Shrewsbury Shropshire SY1 1QG.  
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 Subway 27 Claremont Street Shrewsbury Shropshire SY1 1QG.

### **6. Background**

- 6.1 Gries Enterprises Limited, has made an application for a new Premises Licence, the requested licensable activities and opening hours (amended following comments from West Mercia Police) are:

#### **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 23:00 to 03:00

Sunday 10:00 to 17:00

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. 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.

6.2.2 Public Safety  
None.

6.2.3 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.

6.2.4 Protection of Children from Harm

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

**7. Representation Received (Responsible Authorities)**

West Mercia Police made comments regarding the original application which led to the application being amended in terms of the hours requested and conditions proposed.

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

- 8.1 Three representations have been received from other persons, who have concerns in respect of crime and disorder, principally public nuisance and public safety. The concerns relate to the requested 3am close time and the nuisance/disorder that might be caused if a licence was to be granted permitting sale of hot food/drink until then. All have suggested a termination time of 12 midnight.

8.2 The applicant has indicated that they wish to continue with the application as detailed above.

8.3 The representations have 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 paragraph 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.  
Copies of representations received.

**Cabinet Member (Portfolio Holder)**

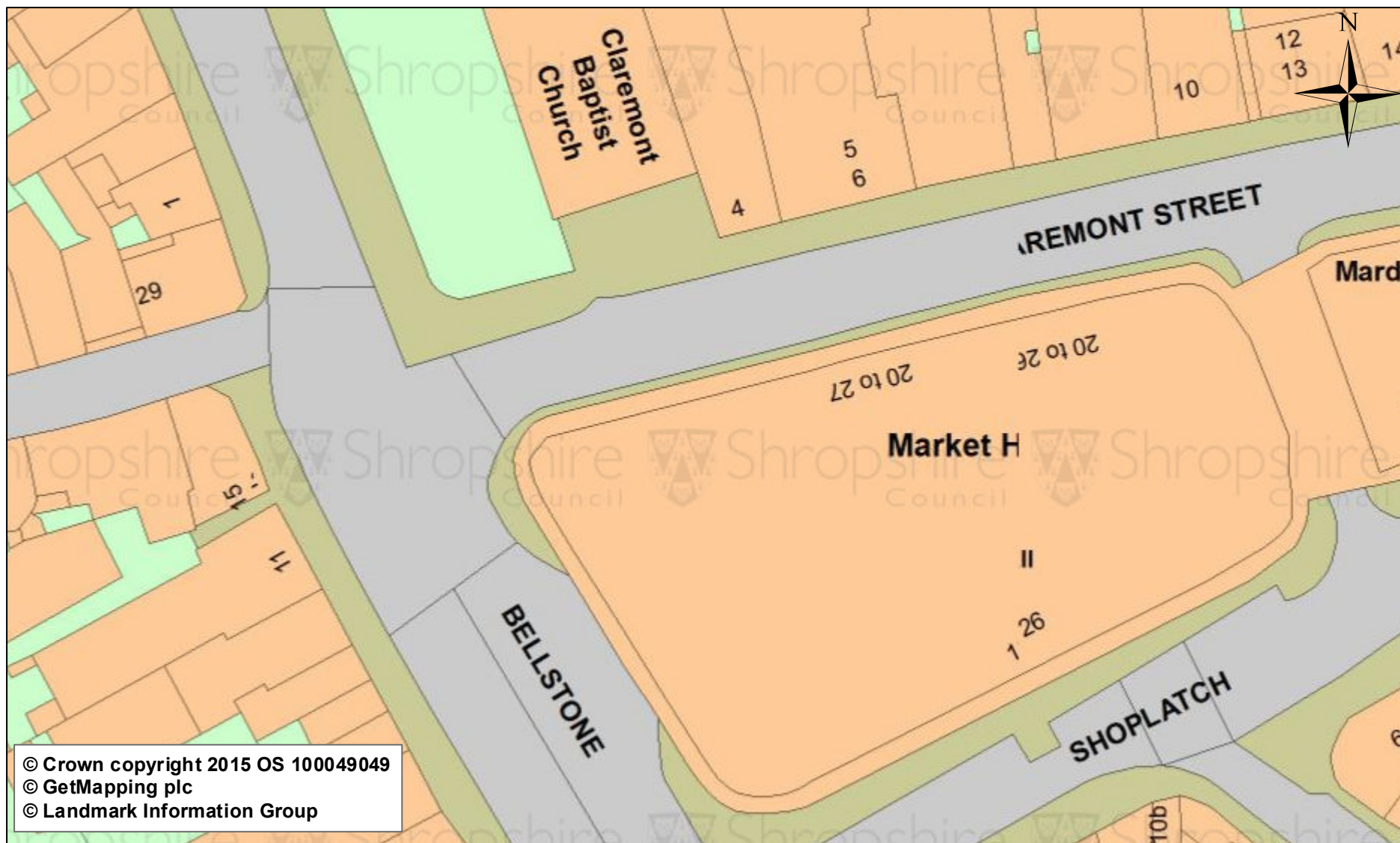
Cllr S Charmley

**Local Member**

**Appendices**

Appendix A – Location Plan

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**Subway**

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