



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

Date: Wednesday, 16 March 2016

**Committee:  
Licensing Act Sub-Committee**

**Date: Thursday, 24 March 2016**

**Time: 2.00 pm**

**Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, 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 Cherrington  
Nigel Hartin  
Jon Tandy

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 Full Variation of a Premises Licence - Ashley's Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF (Pages 1 - 16)**

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



<u>Committee and Date</u> Licensing Act Sub-Committee  Thursday 24 <sup>th</sup> March 2016	<u>Item</u>  <b>3</b>  Public
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## LICENSING ACT 2003

### APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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

#### 1. Summary

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

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

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

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

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

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

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

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

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

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

## **2. Recommendations**

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

That the Sub-Committee determines the application in accordance with the options in paragraph 7.

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

## **REPORT**

### **3. Human Rights Act Appraisal**

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

### **4. Financial Implications**

None.

### **5. Purpose of Report**

To consider an application for a variation of the Premises Licence for Ashley's Wine Bar 9 Shoplatch Shrewsbury SY1 1HF.

### **6. Background**

6.1 Mr Ashley Davies has made an application for a variation of a Premises Licence. Mr Davies is the premises licence holder and designated premises supervisor for the premises.

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

#### **Live & Recorded Music (indoors) /Supply of alcohol (on/off premises)**

Mon - Sat 08:00-02:00

Sun 10:00-02:00

New Year's Eve 08:00-04:00

**Late Night Refreshment (indoors/outdoors)**

Mon - Sun 23:00-02:00

New Year's Eve 23:00-04:00

**Opening hours**

Mon - Sat 08:00-02:30

Sun 10:00-02:30

New Year's Eve 08:00-04:30

- 6.3 The variation application seeks to amend the following condition:-

“No consumption of alcohol will be permitted in external areas after 22.00 hours”

The amendment requested is to increase the end time from 22.00 to 00.00 (midnight), with additional measures (as varied following comments), so that the condition would be:-

“No consumption of alcohol will be permitted in external areas after 00.00. All glasses will be shatterproof and no bottles to be taken outside from 22.00 onwards. The external area to be used no later than 00.00 after which time no external furniture shall be used and no drinks shall be taken outside.”

- 6.4 For variation applications, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the above steps would be taken along with those currently contained in the Licence.
- 6.5 The premises does benefit from a current Pavement Permit consent permitting use of the pavement in accordance with the Premises Licence. The Licence was the subject of a Review application determined in May 2015, with the decision reflected in the current Licence.

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

- 7.1 West Mercia Police have made a representation indicating the low level of crime and disorder in or around the premises. They have no objection to the application on this basis.
- 7.2 Shropshire Council Noise Pollution have made a representation owing to concerns of use of the external area after midnight. The applicant has agreed to a slight variation to the application as indicated above.

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

- 8.1 Twenty four representations have been received from ‘other persons’, who have concerns in respect of crime and disorder, public safety and public nuisance. Principally the concerns relate to the nuisance and possibly

crime/disorder that might be caused by allowing the condition to be changed as requested.

8.2 The applicant has indicated that he wishes 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 application
- To grant the application with (or without) conditions in full (or in part)

9.2 If the application is to be granted in line with the submitted operating schedule then the condition with additional wording as detailed in paragraph 6.3 of this report would need to be included in the licence.

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, licence holder or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

## **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 have 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 applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

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

Shropshire Council Licensing Policy.  
Guidance issued under section 182 of the Licensing Act 2003 (March 2015).  
The Licensing Act 2003 (Hearings) Regulations 2005.  
Application form and copies of representations.

**Cabinet Member (Portfolio Holder)**

Cllr S Charmley

**Local Member**

Cllr A Bannerman

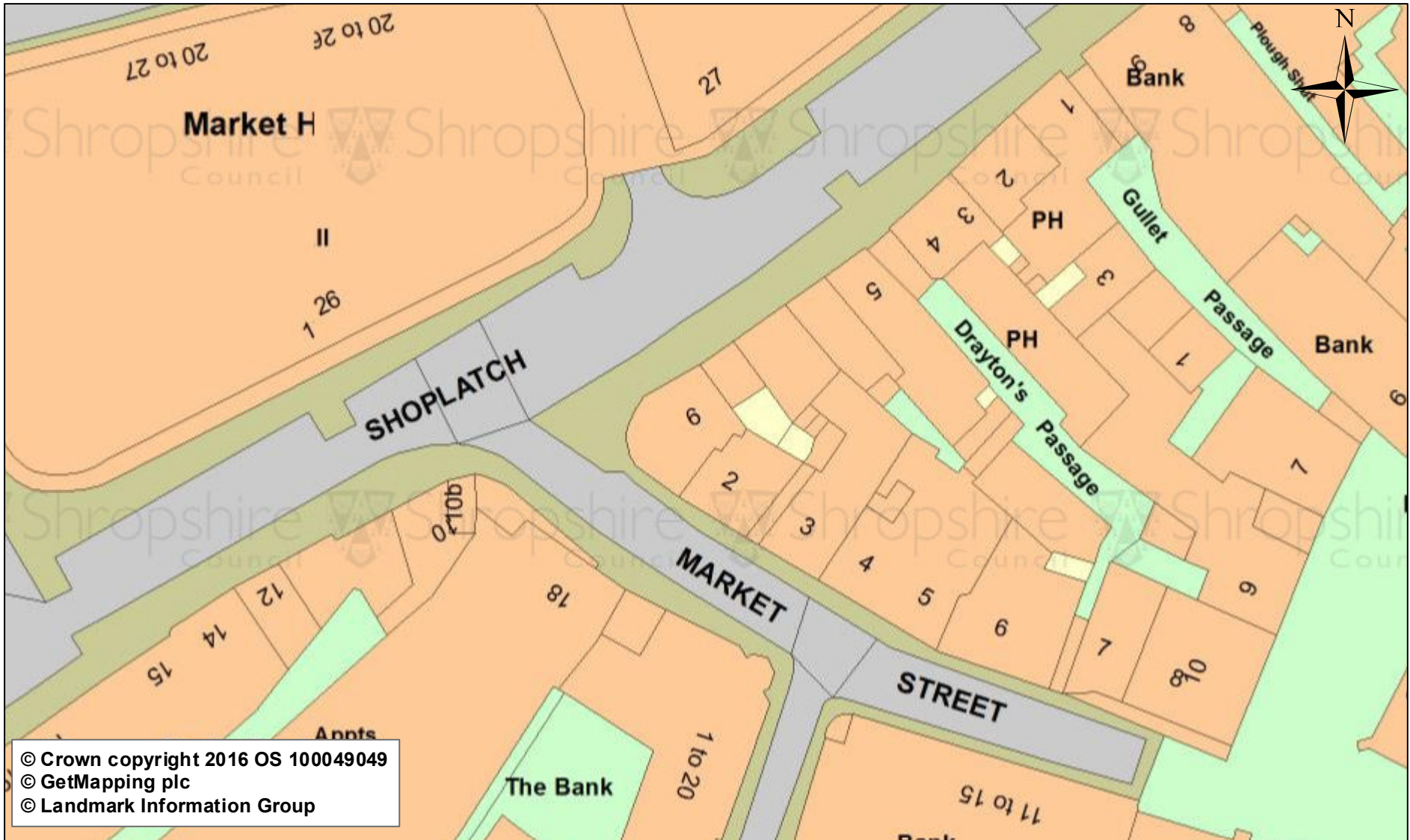
**Appendices**

Appendix A – Location Plan

Appendix B – Current Licence PL/SC/15/01583

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# Ashley's

Appendix A



Date: 04/03/2016

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# Premises Licence WITH Alcohol

Licensing Act 2003

# PL/SC/15/01583

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

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

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

### Licensable activities authorised by the licence:

Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

### The Opening Hours of the Premises

Mon - Sat 08:00-02:30  
Sun 10:00-02:30  
New Year's Eve 08:00-04:30

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

<b>Live Music</b>	Mon - Sat 08:00-02:00 Sun 10:00-02:00 New Year's Eve 08:00-04:00
<b>Indoors</b>	
<b>Recorded Music</b>	Mon - Sat 08:00-02:00 Sun 10:00-02:00 New Year's Eve 08:00-04:00
<b>Indoors</b>	
<b>Late Night Refreshment</b>	Mon - Sun 23:00-02:00 New Year's Eve 23:00-04:00
<b>Indoors and Outdoors</b>	

<b>Supply of Alcohol</b>	Mon - Sat 08:00-02:00 Sun 10:00-02:00 New Year's Eve 08:00-04:00
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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**

Mr Ashley Cartwright Davies

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

**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 Ashley Cartwright Davies

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

**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.:** PAIUS0520

**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**

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

1. There would be CCTV coverage and all recordings would be made available to the Licensing Authority or the Police on request. The recordings will be kept for 28 days.

2. The designated premises supervisor would be a member of Pubwatch.

3. No consumption of alcohol will be permitted in external areas after 22.00 hours.

4. On a risk assessed basis by the premises licence holder, door staff will be employed at

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appropriate rates.

**Prevention of Public Nuisance**

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

**Protection of Children From Harm**

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

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

Hearing on 18<sup>th</sup> May 2015

A noise management plan shall be submitted in writing to the Licensing Authority by 18 July 2015 for the written approval of the Licensing Authority. It shall detail the controls to be adopted to minimise noise escape from the premises associated with amplified and acoustic music and in any case to avoid nuisance to nearby residential premises. The noise management plan shall detail the methods and controls to be adopted to ensure compliance with the licence conditions and shall specifically include:-

- the scheduling and operating hours of all live acoustic and amplified music
- the location on the site and orientation of all acoustic instruments, amplification equipment and speakers
- all steps as necessary for attenuation of noise including sound-proof treatment of the building as necessary and appropriate
- specification and noise mitigation controls for all fixed amplification equipment
- management and supervision proposed to ensure compliance with the measures included in the noise management plan.

The controls and requirements of the noise management plan including any conditions attached to the written approval issued by the Licensing Authority shall be complied with at all times. This plan shall be subject to regular review and any changes necessary shall be submitted in writing to the Licensing Authority.

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**Annex 4 – Plans**

Plans submitted: Drawing No:04; Drawing No:100, Drawing No.101 and Drawing No.102. Location Plan: 09\_FSLTD\_039; Sept 08

# Premises Licence WITH Alcohol Summary

Licensing Act 2003

# PL/SC/15/01583

**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

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these are on and/or off Supplies**

On and Off Premises

**Part 2**

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

Mr Ashley Cartwright Davies

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

**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 Ashley Cartwright Davies

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