

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

Date: Wednesday, 15th June 2016

Committee:
Licensing Act Sub-Committee

Date: Monday, 27 June 2016

Time: 11.00 am

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

Vernon Bushell
Andrew Davies
Dean Carroll

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: 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 - The Dickin Arms, 37 Noble Street, Wem. (Pages 1 - 16)

Report of the Public Protection Officer (Specialist) is attached, marked 3.

Contact Simon Ditton on 0345 6789026



Committee and Date

Licensing Act Sub-Committee

Monday 27th June 2016

Item

3

Public

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 Tel: 0345 6789026

1. Summary

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

Premises: Dickin Arms, 37 Noble St, Wem, SY4 5DT. 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 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 Dickin Arms, 37 Noble St, Wem, SY4 5DT.

6. Background

6.1 Admiral Taverns Ltd has made an application for a variation of a Premises Licence. Admiral Taverns Ltd is the premises licence holder and the designated premises supervisor for the premises is Ms Rachel McIntosh.

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

Live & Recorded Music (indoors)

Fri - Sat 20:00-23:00

Late Night Refreshment (indoors/outdoors)

Mon - Sat 23:00-23:30

New Year's Eve 23:00-05:00

Supply of alcohol (on/off premises)

Mon/Wed/Thu 10.30 - 23.00

Tues/Fri/Sat 10.30 – 00:00

Sun 11.00 - 22.30

Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve - 00:00. End time on New Year's Eve is start time on New Year's Day.

Opening hours

Mon/Wed/Thu 10.30 - 23.30

Tues/Fri/Sat 10.30 – 00:30

Sun 11.00 - 23.00

Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve 00:30. End time on New Year's Eve is start time on New Year's Day.

- 6.3 The variation application seeks to amend the hours permitted as follows:-

Live Music (indoors)

Mon – Sun 11:00 – 23:00

Recorded Music (outdoors)

Mon – Sun 10:30 – 23:00

Recorded Music (indoors) and Supply of alcohol (off and on premises)

Sun – Thu 10:30 - 00:00

Fri – Sat 10:30 – 01:00

Late Night Refreshment (indoors/outdoors)

Sun – Thu 23:00 - 00:00

Fri – Sat 23:00 – 01:00

Opening hours

Sun – Thu 10:30 - 00:30

Fri – Sat 10:30 – 01:30

In addition, the following non-standard timings for opening and all licensable activities:-

An additional hour on Xmas Eve, Xmas Day, Boxing Day, all Bank Holidays, New Year's Day and on the day British Summertime commences. End time on New Year's Eve is start time on New Year's Day.

- 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 current steps currently contained in the Licence would be all that is necessary.

- 6.5 Regarding the regulated entertainment currently permitted, following deregulation, live and recorded music inside and outside (eg in the beer garden) between the hours of 8am and 11pm Monday to Sunday, are no longer licensable activities for a pub. (There was an error on the application form regarding the recorded music outside, as that was merely seeking to reflect what is now automatically permitted and nothing additional).

7. Objections Received (Responsible Authorities)

Shropshire Council Noise Pollution have made a representation on the basis of prevention of public nuisance. This emanates from a history of noise complaints and the structure and location of the premises. They oppose any increase in hours.

8. Objections received (Other Persons)

- 8.1 Six 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 hours permitted on the Licence to be increased. These point to a recent history of disturbance from noise from music events and from customers when leaving the premises.
- 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 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 no additional conditions 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 M Price

Local Member

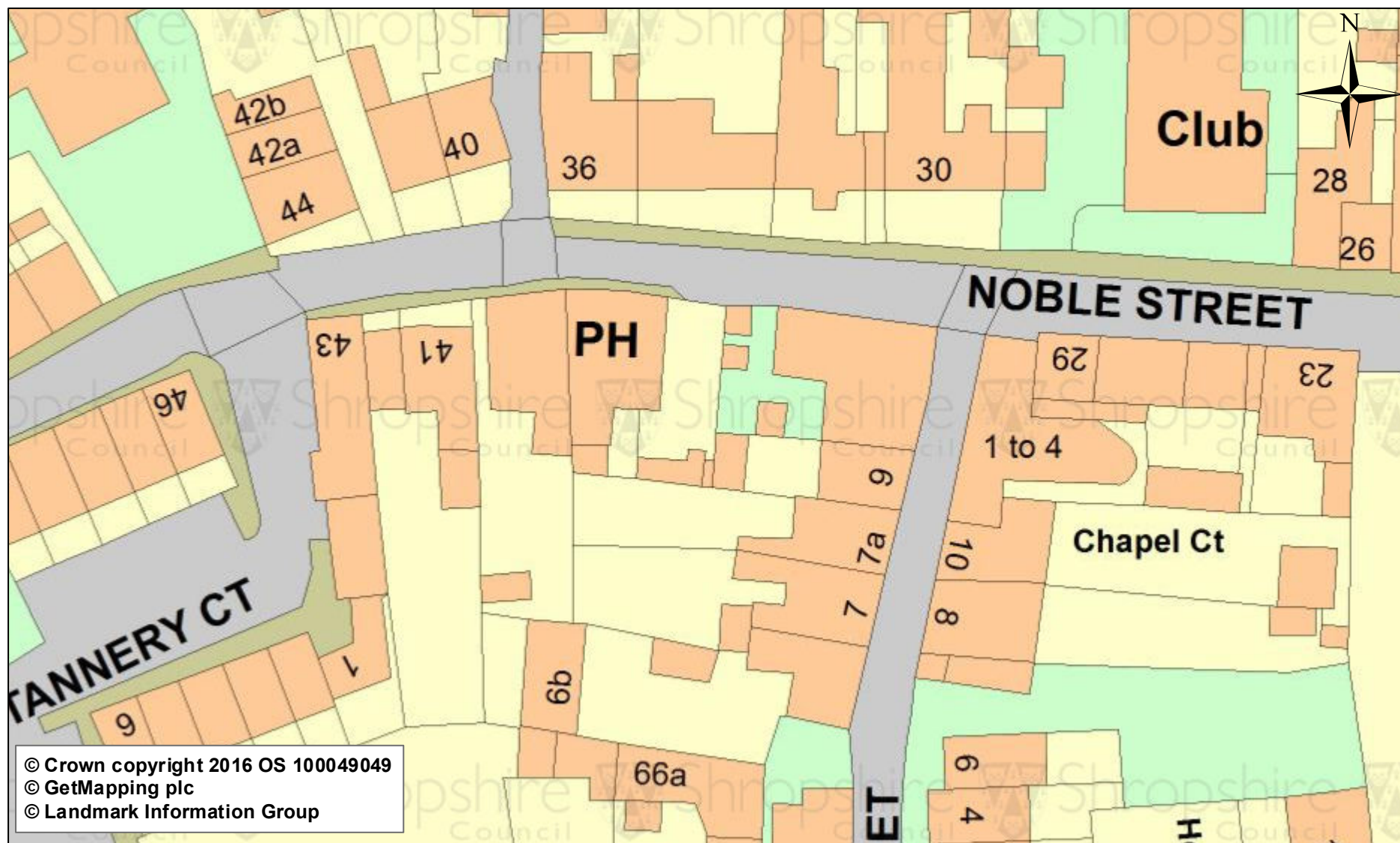
Cllr C Mellings

Appendices

Appendix A – Location Plan

Appendix B – Current Licence PL/SC/15/02222

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Dickin Arms

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Premises Licence WITH Alcohol

Licensing Act 2003

PL/SC/15/02222

This Licence is Issued by



Licensing Team
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9000

Part 1 - Premises Details

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

Dickin Arms
37 Noble Street, Wem, Shropshire, SY4 5DT

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

Licensable activities authorised by the Licence	The times the Licence authorises the carrying out of licensable activities
Performance of live music (Indoors)	Fri – Sat 20.00 - 23.00
Playing of recorded music (Indoors)	Fri – Sat 20.00 - 23.00
Late night refreshment (Indoors)	Mon - Sat 23.00 - 23.30 New Year's Eve 23.00 - 05.00
Sale by retail of alcohol	Mon/Wed/Thu 10.30 - 23.00 Tues/Fri/Sat 10.30 – 00:00 Sun 11.00 - 22.30 Non-standard timings End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve - 00:00. End time on New Year's Eve is start time on New Year's Day.

The Opening Hours of the Premises

Mon/Wed/Thu 10.30 - 23.30
Tues/Fri/Sat 10.30 – 00:30
Sun 11.00 - 23.00
Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve 00:30.
End time on New Year's Eve is start time on New Year's Day.

**Where the Licence Authorises Supplies of Alcohol whether
these are on and/or off Supplies**

ON & OFF the premises

Part 2

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

Admiral Taverns Limited, Milton Gate, 60 Chiswell Street,
London EC1Y 4AG

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

05438628

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

Mrs Rachel McIntosh,

**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.: 15/01266

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.

EMBEDDED RESTRICTIONS UNDER THE LICENSING ACT 1964

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

a. On weekdays, other than Christmas Day, Good Friday or New Year’s Eve, 11 a.m. to 11 p.m.

b. On Sundays, other than Christmas Day or New Year’s Eve, 12 noon to 10.30 p.m.

c. On Good Friday, 12 noon to 10.30 p.m.

d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

e. On New Year’s Eve, except on a Sunday, 11 a.m. to 11 p.m.

f. On New Year’s Eve on a Sunday, 12 noon to 10.30 p.m.

g. On 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 (or, if there are no permitted hours on the following day, midnight on 31st December). Unless hours have been granted otherwise by this Authority.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Annex 2 - Conditions consistent with the operating schedule

Prevention of Crime & Disorder

1. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
2. A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.

Public Safety

1. All fire doors will be maintained effectively self-closing and shall not be held open, other than by approved devices.
2. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned will be prominently displayed at all times.

Prevention of Public Nuisance

1. No regulated entertainment of any type shall take place outside the premises in any areas which are in the licence holder's control after 22.00 hours.
2. When amplified musical entertainment is taking place inside the premises after 22.00 hours, all windows and doors, save for entrance and exit purposes, will be kept shut.
3. A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.
4. The external drinking areas will be clear of all patrons by 23.20 Monday - Saturday and 22.50 on Sundays.

Protection of Children

1. No one under the age of 16 will be allowed to enter or remain on the premises after 21.00 hours save on Christmas Eve and New Year's Eve.
2. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

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

Not applicable.

Annex 4 – Plans

APP ref: 286194/018922 dated 3/12/2012

Premises Licence WITH Alcohol Summary

Licensing Act 2003

PL/SC/15/02222

This Licence is Issued by



Licensing Team
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9000

Part 1 - Premises Details

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

Dickin Arms
37 Noble Street, Wem, Shropshire, SY4 5DT

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

Licensable activities authorised by the Licence	The times the Licence authorises the carrying out of licensable activities
Performance of live music (Indoors)	Fri – Sat 20.00 - 23.00
Playing of recorded music (Indoors)	Fri – Sat 20.00 - 23.00
Late night refreshment (Indoors)	Mon - Sat 23.00 - 23.30 New Year's Eve 23.00 - 05.00
Sale by retail of alcohol	Mon/Wed/Thu 10.30 - 23.00 Tues/Fri/Sat 10.30 – 00:00 Sun 11.00 - 22.30 Non-standard timings End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve - 00:00. End time on New Year's Eve is start time on New Year's Day.

The Opening Hours of the Premises

Mon/Wed/Thu 10.30 - 23.30
Tues/Fri/Sat 10.30 – 00:30
Sun 11.00 - 23.00

Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve 00:30.

End time on New Year's Eve is start time on New Year's Day.

**Where the Licence Authorises Supplies of Alcohol whether
these are on and/or off Supplies**

ON & OFF the premises

Part 2

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

Admiral Taverns Limited, Milton Gate, 60 Chiswell Street,
London EC1Y 4AG

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

05438628

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

Mrs Rachel McIntosh,