

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

Date: Wednesday, 7 June 2017

Committee:
Licensing Act Sub-Committee

Date: Thursday, 15 June 2017

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

Peter Adams
Dean Carroll
Paul Milner

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: 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 Variation of a Premises Licence - The Cornhouse, Wyle Cop, Shrewsbury (Pages 1 - 16)

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

Contact Jessica Moores on 0345 6789026.



Committee and Date

Licensing Act Sub-Committee

Thursday 15th June 2017

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Jessica Moores, Public Protection Officer (Professional)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

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

- **Premises:** The Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ. 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 and during the statutory consultation period relevant representations were made. The application is therefore 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 variation of the Premises Licence for The Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ

6. Background

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

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

Supply of alcohol (on/off premises)

Monday to Saturday: 10:00 - 23:00

Sunday: 12:00 - 22:30

Non Standard Timings

Good Friday 12.00-22.30. Xmas Day 12.00-15.00 + 19.00-22.30. End time on New Year's Eve is start time on New Year's Day.

Late Night Refreshment (Indoors)

Monday to Saturday: 23:00 - 00:00

Sunday: 23:00 - 23:30

Non Standard Timings

Good Friday and Xmas Day 23.00-23.30. New Year's Eve 23.00-05.00.

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

Supply of alcohol (on/off premises)

Monday – Sunday: 09:00 – 00:00

Non Standard Timings

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

- 6.4 The variation application seeks to add the following:-

Recorded Music (Indoors)

Monday to Sunday: 23:00 – 00:00

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

Opening Hours

Monday to Sunday: 09:00 – 00:30

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

- 6.5 The applicant has identified a number of conditions they believe could be removed from the existing licence as a result of the variations they are seeking. They are:

- The Embedded Restrictions added to the licence under the Licensing Act 1964 and can be seen on the existing Premises Licence at the end of Annex 1 (copy attached at Appendix B).
- The General conditions in Annex 2 of the existing licence to be updated/replaced with the additional conditions outlined in paragraph 6.6 of the report.

- 6.6 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 below steps would be taken:

6.6.1 General

Staff training on Licensing Act 2003/Emergency Action Plan updated at least annually. Records kept and available to the Responsible Authorities on request.

6.6.2 The Prevention of Crime & Disorder

A fully operational colour CCTV system will record the interior and exterior of the premises. The images will be held for a minimum of 28 days and will be made available to the Police or other authorised agency on reasonable request.

6.6.3 Public Safety

1. Fire alarm maintained in operational order
2. First Aid kit in place

6.6.4 The Prevention of Public Nuisance

1. The windows will be kept shut when Regulated Entertainment is taking place
2. Signs at front door asking customers to leave quietly

6.6.5 The Protection of Children from Harm

1. Challenge 25 policy in place
2. Proof of ID by Passport, photocard driving licence and PASS approved photocards
3. Visual prompt at point of sale reminding staff to employ Challenge 25 rule

7. Objections Received (Responsible Authorities)

- 7.1 Following discussions with the police regarding the prevention of crime and disorder and protection of children from harm, the applicant has agreed to the following conditions being amended in the proposed operating schedule, or added to the licence, if the application to vary is granted:

The Prevention of Crime & Disorder

1. Digital colour CCTV system operating at all times licensable activities are taking place, covering areas public have access to (save for toilet areas) and front entrance doors to premises. Images retained for a minimum of 28 days. Images produced to any responsible authority upon request and in a viewable format. A member of staff trained in the operation of the CCTV system will be at the premises at all times licensable activities are taking place.
2. The premises shall have a town centre link radio.

The Protection of Children from Harm

1. Training will be held to train all persons supplying alcohol (prior to them supplying alcohol) on the Challenge 25 procedures and service to intoxicated persons. Refresher training no less than every three (3) months. A training record to be maintained and available to responsible authorities on request.
2. Challenge log kept and available to responsible authorities upon request.
3. Challenge 25 Policy applied. Signage at points of alcohol sale. Visual prompt concerning Challenge 25 at close proximity to points of sale, the front entrance and on each floor level.

8. Objections received (Other Persons)

- 8.1 Six representations have been received from 'other persons', who primarily have concerns in respect public nuisance. Principally the concerns relate to the nuisance that might be caused at neighbouring residential properties by

allowing the requested variations to the timings of the existing licensable activities.

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

8.3 None of the representations have 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 amendments/additions with additional wording as detailed in paragraphs 6.3, 6.4 and 7.1 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.

9.3 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
Existing Licence (17/01033/LVDPS)

Cabinet Member (Portfolio Holder)

Cllr R Macey

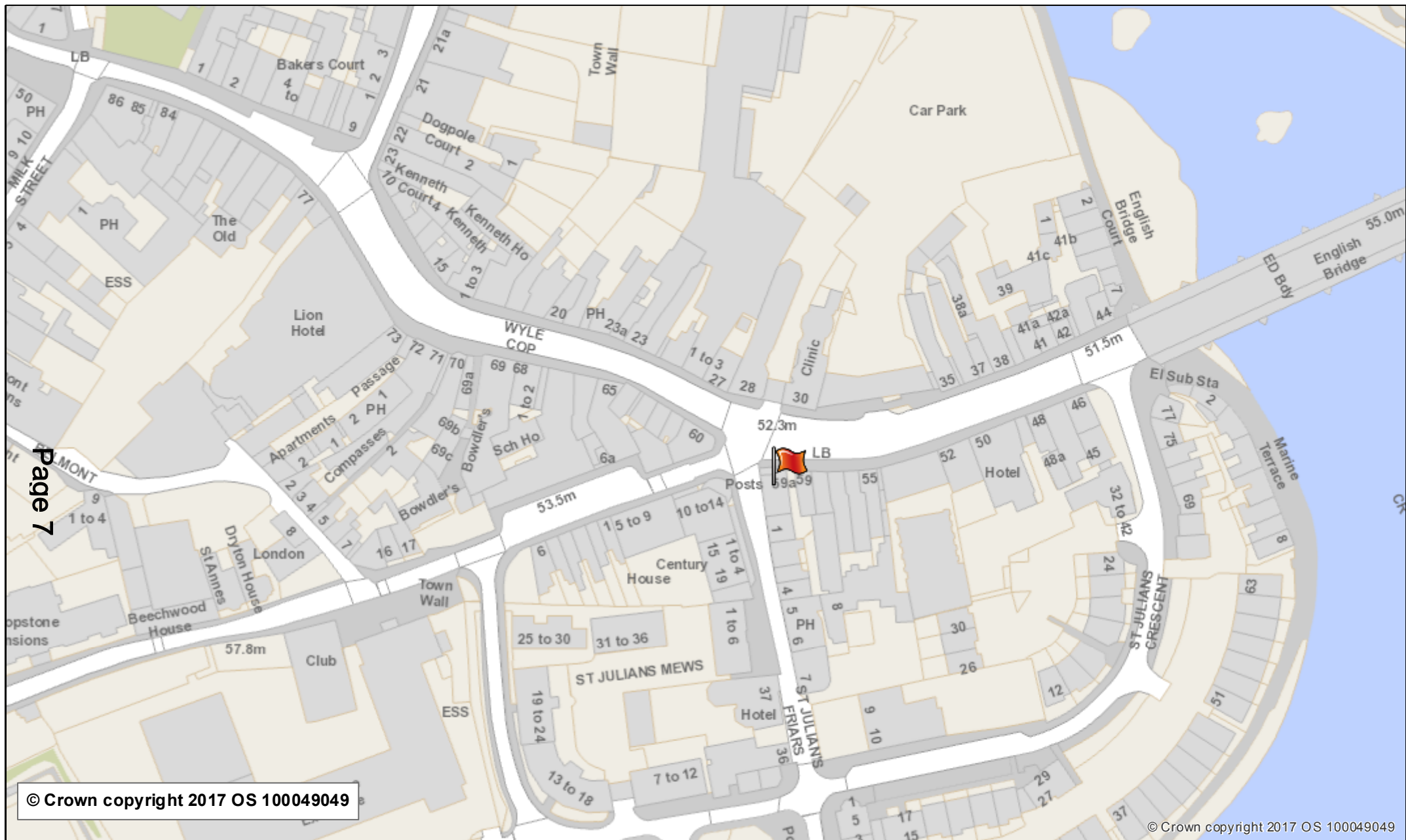
Local Member

Cllr N Green

Appendices

Appendix A – Location Plan

Appendix B – Current Licence 17/01033/LVDPS



The Cornhouse

Date: 05/06/2017

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This Licence is Issued by



SC/17/01033/LVDPS

Premise Licence

Licensing Act 2003

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Cornhouse
59A Wyle Cop, Shrewsbury, Shropshire, SY1 1XJ

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Saturday 10:00 - 23:00

Sunday 12:00 - 22:30

Non Standard Timings

Good Friday 12.00-22.30. Xmas Day 12.00-15.00 + 19.00-22.30. End time on New Years Eve is start time on New Years Day.

Late Night Refreshment (Indoors)

Monday to Saturday 23:00 - 00:00

Sunday 23:00 - 23:30

Non Standard Timings

Good Friday and Xmas Day 23.00-23.30. New Years Eve 23.00-05.00.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of premises licence holder

Mr William Henry Wyatt

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 William Henry Wyatt

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: 17/01038

Issued by: Shropshire Council

Annexes

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

By converting the licence under the Licensing Act 2003, the following embedded restrictions are carried over from the Licensing Act 1964.

Permitted Hours

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 Years Eve, 10:00am to 11:00pm

b) On Sundays, other than Christmas Day or New Years Eve, 12:00 noon to 10:30pm

c) On Good Friday, 12:00 noon to 10:30pm

d) On Christmas Day 12:00 noon to 3:00pm and 7:00pm to 10:30pm

e) On New Years Eve, except on a Sunday, 10:00am to 11:00pm

f) On New Years Eve on a Sunday, 12:00 noon to 10:30pm

g) On New Years Eve from the end of permitted hours on New Years 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).

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 meal;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of 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 Majestys navel, 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 person so supplied; or
- j) The supply of alcohol for consumption on the premises to person 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 employerr or of the person carrying on or in charge of the business on the premises.

Children in Bars

No person under fourteen (14) shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) 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.
- cl) 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.

Off Sales Consumptions

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

Annex 2 – Conditions consistent with the operating schedule

General

The Cornhouse Restaurant & Wine Bar 59 a Wyle Cop, Shrewsbury (First, Second and Third Floors) are structurally adapted and bona fide used for the purpose of habitually providing for the accomodation of persons frequenting the premises, substantial refreshment to which the sale and supply of intoxicating liquor is ancillary.

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

Not applicable

Annex 4 – Plans

Plan reference and date: Unreferenced - submitted 26 July 2005

Licensing Team, Public Protection, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire SY2 6ND
www.shropshire.gov.uk 0345 678 9026

This Licence is Issued by



SC/17/01033/LVDPS

Premise Licence Summary

Licensing Act 2003

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Cornhouse
59A Wyle Cop, Shrewsbury, Shropshire, SY1 1XJ

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on and off the premises

Name, (registered) address of premises licence holder

Mr William Henry Wyatt

36 Underdale Road, Shrewsbury, Shropshire, SY2 5DW

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 William Henry Wyatt

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