



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

Date: Tuesday, 5 September 2017

Committee: Licensing Act Sub-Committee

Date: Wednesday, 13 September 2017
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 Adams
Roy Aldcroft
Simon Jones

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 Warehouse, 5 - 6 Claremont Street, Shrewsbury, SY1 1QG (Pages 1 - 16)

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

Contact Jessica Moores on 0345 6789026



Committee and Date
Licensing Act Sub-Committee
13th September 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 Warehouse, 5 – 6 Claremont Street, Shrewsbury, 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 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 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 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 Warehouse, 5 – 6 Claremont Street, Shrewsbury, SY1 1QG.

6. Background

6.1 Wisetrace Holdings Ltd have made an application for a Variation of a Premises Licence. Wisetrace Holdings Ltd are the premises licence holder and the designated premises supervisor is Mr Simon John Rodenhurst.

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

The opening hours of the premises

Monday to Saturday 09:00 - 00:30

Sunday 10:00 - 00:30

Supply of Alcohol (On the premises)

Monday to Sunday 10:00 - 00:00

Recorded Music (Indoors)

Monday to Sunday 10:00 - 00:00

6.3 The variation application seeks to amend the following:-

The opening hours of the premises

Friday to Saturday 10:00 – 01:30

Thursday to Sunday 10:00 – 00:30

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:30.

Supply of Alcohol (on the premises)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

Recorded Music (Indoors)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

6.4 The variation application seeks to add the following:-

Live Music (Indoors)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

Late Night Refreshment (Indoors)

Friday to Saturday 23:00 – 01:30

Sunday to Thursday 23:00 – 00:30

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:30.

6.5 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:

6.5.1 General

No change from existing licence

6.5.2 The Prevention of Crime & Disorder

No change from existing licence

6.5.3 Public Safety

No change from existing licence

6.5.4 The Prevention of Public Nuisance

1. No entry shall be permitted to the premises after 00:00 Friday and Saturday, save for returning smokers.

6.5.5 The Protection of Children from Harm

No change from existing licence

7. Objections Received (Responsible Authorities)

7.1 One objection was received from Environmental Health. Principally this objection concerns the proximity of the premises to residential properties and their bedrooms, and the possibility of effective mitigation of noise sources from the premises so as not to cause a public nuisance.

8. Objections received (Other Persons)

8.1 Five representations have been received from 'other persons', who primarily have concerns in respect of 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, and the addition of new licensable activities. Concerns are also raised in relation to a potential increase in anti-social behaviour and crime in relation to the variations sought, and the impact this may have on neighbouring residents and the local area generally.

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 6.5.4 of this report would need to be included in the licence.

9.3

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
Existing Licence (17/01188/LPREM)

Cabinet Member (Portfolio Holder)

Cllr R Macey

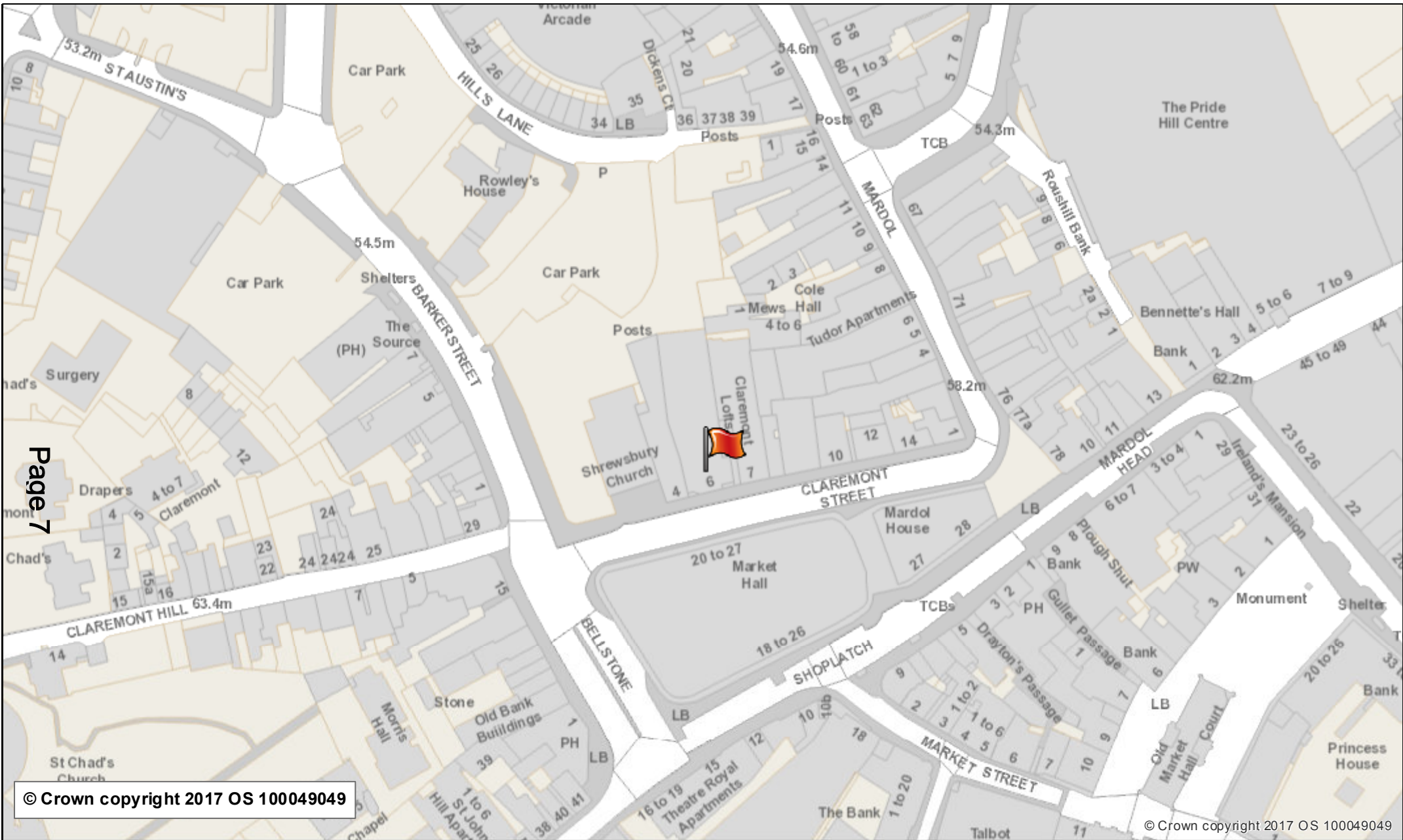
Local Member

Cllr N Green

Appendices

Appendix A – Location Plan

Appendix B – Current Licence 17/01188/LPREM



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The Warehouse, 5-6 Claremont Street



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This Licence is Issued by



SC/17/01188/LPREM

Premise Licence

Licensing Act 2003

Part 1 - Premises Details

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

The Claremont
5 - 6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday to Saturday 09:00 - 00:30
Sunday 10:00 - 00:30

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

Supply of Alcohol
Monday to Sunday 10:00 - 00:00

Recorded Music (Indoors)
Monday to Sunday 10:00 - 00:00

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

Alcohol is supplied for consumption on the premises

Part 2

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

Wisetrace Holdings Ltd
The Plough, The Roe, St Asaph, Denbighshire, LL17 0LU

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 John Rodenhurst

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: CCC05.00796

Issued by: Chester City 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.

Annex 2 – Conditions consistent with the operating schedule

General

Ensure that communication is sustained between all members of staff involved in the running of the business to meet the standards set out below.

Prevention of Crime & Disorder

1] There will be 2 SIA door staff on duty on the entrance door to the premises and 1 per 100 ratio of SIA staff to customers in the premises from 21:00hrs till close of business on Fridays and Saturdays and Sundays preceding a bank holiday Monday. All other times as risk assessed by the management team for the location.

2] In regard to CCTV at the premises we will require camera coverage of the areas open to the public and all points of entry and exit from the premises to include stairways. CCTV retained for a

minimum of 30 day and in colour and of a digital format.

3] Production of any requested CCTV in a viewable format to the police/licensing authority and any agency that has the right to make such a request.

4] There shall always be on site in operational hours a member of staff who is trained in the operation of the venue CCTV and who is able to download requested CCTV footage to requesting authority.

Prevention of Public Nuisance

1] Notices to be displayed on exit points from the premises encouraging customers to leave the premises quietly and respect the right of local residents.

2] Doors and windows at the premises should remain closed during periods of amplified music at the location. Doors and windows to the premises shall be kept shut after 2300hrs except for access and egress.

3] A Noise Management Plan shall be submitted to and approved in writing by the licensing Authority prior to the premises being used for licensable activities The measures detailed in the plan shall be fully implemented at all times. This plan shall be subject to regular review and any changes necessary shall be submitted in writing to the Licensing Authority.

4] Acoustic proofing of the building will be required due to the close proximity of residential properties to the premises.

5] No deliveries or collections relating to licensable activities at the premises will take place between the hours of 07:00-19:00 Monday to Saturday, and at no time on Sundays and Bank holidays.

Protection of Children From Harm

1. No under 18s on the premises after 23.30 to close.

2. Challenge 25 Policy applied. Signage at points of alcohol sale and entrance point to the premises.

3. Proof of id being passport, photo card driving licence Government approved PASS photo ID card or HM Forces ID card.

4. Challenge log kept and available to responsible authorities upon request.

5. Induction training sessions will be held to train all new staff on the challenge 25 procedures and briefings to only accept full Passport, Driving License or PASS approved proof of age card or HM Forces ID card as proof of age. This will be followed by regular monthly staff review meetings on the challenge 25 procedures - and reinforcing certain aspects and any new legislation. A documentary record will be kept of all staff training (including refresher training).

6. A visual prompt reminding employees to use the Challenge 25 policy will be displayed in close proximity to the point of sale, and throughout the premises to remind waiting staff (who may not use the point of sale) and customers alike that the policy is operated.

7. Children under the age of 14 will not be permitted on the premises after 22:00.

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

Not applicable

Annex 4 – Plans

Plan reference and date: SA25312/03 Rev B + SA25112/02 Rev B Recd Apr 2017

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

www.shropshire.gov.uk 0345 678 9026

This Licence is Issued by



SC/17/01188/LPREM

Premise Licence Summary

Licensing Act 2003

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Alcohol is supplied for consumption on the premises

Name, (registered) address of premises licence holder

Wisetrace Holdings Ltd

The Plough, The Roe, St Asaph, Denbighshire, LL17 0LU

Registered number of holder, for example company number, charity number (where applicable)

Name of Designated Premises Supervisor Where the Premises Licence Authorises

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the Supply of Alcohol
Mr Simon John Rodenhurst

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