



Committee and Date

Licensing Act Sub-Committee

1st February 2016

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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1. Summary

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

Premises: Bonds, Lower Claremont Bank, Shrewsbury, Shropshire, SY1 1RT. 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 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 a Premises Licence for Bonds, Lower Claremont Bank, Shrewsbury, Shropshire, SY1 1RT.

6. Background

6.1 J. T. P. Assets Ltd, the Premises Licence holder, has made an application for variation of a Premises Licence.

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

Films, Indoor Sport, Live/Recorded Music, Performance of Dance (all indoors) and Sale of Alcohol on/off the premises

Mon - Sat 10:00-03:00

Sun 10:00-01:00

Opening hours

Mon - Sat 10:00-03:30

Sun 10:00-01:30

- 6.3 The variation application seeks to amend the hours for licensable activities with a terminal hour on Mon - Sat 04.00 and Sun 02.00. Further, with the opening hours ending 30 minutes after termination of activities, Mon - Sat 04.30 and Sun 02.30.
- 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 no additional measures are proposed other than those contained within the current premises licence.

7. Objections Received (Responsible Authorities)

West Mercia Police have submitted a representation referring to the potential for an increase in hours for alcohol consumption being a factor in increased crime/disorder. Further, that the premises is in the town centre (commercial and residential), with a large number of residential premises being planned. Further extension to the hours could have a detrimental effect on quality of life.

8. Objections received (Other Persons)

- 8.1 One representation has been received from other persons, who have concerns in respect of crime and disorder, public nuisance and public safety. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise from music and customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.
- 8.2 The applicants have indicated that they wish to continue with the application as detailed above.
- 8.3 The representation has 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, but any

that were could only be added if deemed necessary and appropriate, with an appropriate decision.

- 9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.
- 9.4 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

10. Standard of Decision Making

- 10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.
- 10.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

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

Shropshire Council Licensing Policy.
 Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015).
 The Licensing Act 2003 (Hearings) Regulations 2005.
 Application form and associated papers.
 Copy of representations received.

Cabinet Member (Portfolio Holder)
 Cllr S Charmley

Local Member
Cllr A Bannerman

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence PL/SC/14/04182