



<u>Committee and Date</u>	<u>Item</u>
Licensing Act Sub-Committee	3
Thursday 24 th March 2016	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 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