

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 January 2016
12.00 - 1.11 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Joyce Barrow and Keith Roberts

16 Election of Chairman

RESOLVED:

That Councillor Keith Roberts be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

17 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

18 Application for a Premises Licence - Subway, 27 Claremont Street, Shrewsbury

Consideration was given to an application for a Premises Licence in respect of Subway, 27 Claremont Street, Shrewsbury, Shropshire, SY1 1QG

Mr Michael Gries (Applicant); Councillor Andrew Bannerman (Local Ward Member); PC Kevin Roberts (West Mercia Police); Mr Alan Shrank (Interested Party); Mr Nigel Harrison (Interested Party); Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr Gries addressed the Sub-Committee explaining that although Subway was an international company the Shrewsbury franchise was a family business which employed local people. He noted that Subway stores in other Towns and Cities opened until 3am and beyond and added that there were other premises in the Town such as McDonalds that opened until 3am.

In response to questions from the Local Ward Member, West Mercia Police, Interested Parties and Members of the Sub-Committee Mr Gries confirmed that:

- The request from the Police in relation to CCTV was in place and he was happy to be a member of shop/pubwatch radio link system;
- He had visited other Subway stores which opened until 3am;
- The business served submarine sandwiches to either takeaway or eat on the premises;

- The door staff would monitor customers to ensure that they did not cause a noise nuisance;
- All staff were trained to a high standard and planning consent was not required for the extension of hours;
- The business did not sell soup and added that no hot drinks would be served after 11pm;
- He intended to trade from 7am – 3am but realised that it would take a while to build up the trade and that sales were likely to dip between 7pm – 9pm; and
- The door staff would be employed from 10pm.

The Public Protection Officer (Specialist) addressed the Sub-Committee. He noted that there was an error on the report in relation to opening hours and confirmed that there were over 10 premises in the town centre with late night refreshment licences.

In response to questions from the Local Ward Member, Interested Parties and Members of the Sub-Committee the Public Protection Officer (Specialist) confirmed that a late night refreshment licence was only required from 11pm.

PC Roberts addressed the Sub-Committee in relation to the application. He confirmed that there were no Crime and Disorder issues linked to the premises and listed a number of conditions requested by the Police which had been agreed by the applicant.

In response to questions from the Interested Parties and Members of the Sub-Committee PC Roberts confirmed that:

- The Police would encourage food following alcohol consumption but noted that the congregation of people in one area caused crime/disorder;
- The litter pick area was a sensible area to include;
- The condition in relation to the removal of non-fixed furniture had been used for many years and was to avoid the furniture being used as a weapon; and
- A section of fixed seating would remain available for customers who wished to consume their food on the premises.

Councillor Andrew Bannerman addressed the Sub-Committee. He stated that the application was a large extension of the current business and explained that the Town Council had sought to zone the late night economy to the outside edges of the town centre. This application, however, allowed a creep into the town centre and would adversely affect residents.

Mr Shrank addressed the Sub-Committee explaining that the application would increase the anti-social behaviour that currently occurred in the town centre as a result of the late night economy which would have an adverse effect on residents and the businesses.

At this point the meeting was adjourned for 10 minutes to allow the Sub-Committee Members the opportunity to read the representations received in relation to the application.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 1:01 p.m. and reconvened at 1:09 p.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Subway, 27 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Provision of Late Night Refreshment (off premises)
Wednesday, Friday and Saturday 23:00 to 03:00

Opening Hours

Monday, Tuesday, Thursday– 07:00 to 23:00
Wednesday, Friday and Saturday 07:00 to 03:00
Sunday 10:00 to 17:00

And in accordance with the following operating schedule.

Prevention of Crime and Disorder

1. Two SIA registered door staff to be employed at the premises between 23:00hrs and close of business on all days of trading post 23:00hrs.
2. CCTV will be in operation at the premises covering the internal customer service and seating areas also a CCTV camera to be situated to cover external front entrance to the premises. CCTV to be retained at the premises for a minimum of 28 days and all recordings to be in a digital format and in colour. Production of such recordings upon request to the police and council officials and any such other agency that has a right to request such footage.
3. A member of staff shall be on the premises at all times who is trained in the operation of the CCTV equipment at the location.
4. The premises will be a member of the local shop/pubwatch radio link system via membership with the safer Shrewsbury shop/pubwatch group.
5. On trading days post 23:00hrs until close all furniture in the part of the premises accessible by customers to be either securely fixed in position or removed from that part of the premises the public have access to.

Prevention of Public Nuisance

1. After 23:00hrs till close a litter pick will be conducted every hour by a member of staff not including SIA door staff, focusing on items of litter relating to the premises that may be present in Claremont street Shrewsbury .
2. Notices will be displayed at the premises asking customers to leave quietly, respect the rights of local residents and dispose of any litter responsibly.

Protection of Children from Harm

1. No one under 18 yrs of age allowed on site after 23:00hrs.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of the Local Member and the other parties and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the applicant had taken appropriate steps to promote the licensing objectives and therefore granted the application as detailed above (subject to the inclusion of additional conditions as recommended by West Mercia Police – as detailed in the Committee Report).

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date: