



Committee and Date
Licensing Act Sub-Committee
Monday 23rd May 2016

Item
3
Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a new Premises Licence.

Premises: Café Radio 39 Bailey Street Oswestry Shropshire SY11 1PX. 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 new 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 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 new Premises Licence for Café Radio 39 Bailey Street Oswestry Shropshire SY11 1PX.

6. Background

6.1 Mr Saffron Rainey, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Live Music - indoors

Thursday to Saturday – 18:00 to 22:00

Recorded Music – indoors

Monday to Wednesday – 09:00 to 22:00

Thursday to Saturday – 09:00 to 23:00

Sunday – 12:00 to 16:00

Supply of Alcohol - on the premises

Monday to Wednesday – 11:00 to 22:00
Thursday to Saturday – 11:00 to 23:00
Sunday – 12:00 to 16:00

Opening Hours

Monday to Wednesday – 09:00 to 22:00
Thursday to Saturday – 09:00 to 23:00
Sunday – 12:00 to 16:00

6.2 For a new application, 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 following steps would be taken.

6.2.1 Prevention of Crime and Disorder

CCTV system is in place and operating at all times licensable activities are taking place with the recordings kept for a minimum of 28 days. Recordings will be made available to Shropshire Council or the police on request.

6.2.2 Public Safety

Premises has good lighting both internally and externally.

6.2.3 Prevention of Public Nuisance

1. All deliveries during the daytime.
2. Notices will be displayed at exit doors to ask patrons to leave quietly. Staff to ensure patrons do not make too much noise when outside premises.

6.2.4 Protection of Children from Harm

1. A Challenge 25 policy will be operated at the premises with notices informing of the policy being displayed within the premises. Those responsible for alcohol sale(s) must be trained on this policy. Regular refresher training to enforce this policy.
2. All alcohol sale challenges will be noted in a log book which will be available for inspection by an officer of a responsible authority on request.
3. Acceptable proof of identification will be a passport, photocard driving licence or recognised proof of age card.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

8.1 One representation has been received from other persons, who has concerns in respect of crime and disorder, public nuisance and public safety. Principally the concerns relate to the nuisance/disorder that might be caused if a licence was to be granted.

8.2 The applicant has indicated that he wishes 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 licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 6.2 of this report would need to be included in the licence, 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 representation received.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr Duncan Kerr

Appendices

Appendix A – Location Plan