

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 24 March 2016

2.00 - 5.21 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Cherrington, Nigel Hartin and Jon Tandy

25 **Election of Chairman**

RESOLVED:

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

26 **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.

27 **Application for a Full Variation of a Premises Licence - Ashley's Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF**

Consideration was given to an application for a Variation of a Premises Licence in respect of Ashley's Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF.

Ms. L. Prince (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer – Specialist), Sgt R. Coles (West Mercia Police), Councillor A. Bannerman (Local Ward Member); Matthew Clark (Public Protection Officer – Professional); Mr A. Davies (Applicant); Mrs Davies (Applicant's wife); Mr R. Goodchild (Shrewsbury Shop & Pubwatch Scheme); Mr K. Rippard (Licence Holder's Advisor); Mr S. Warlock (Other Person); Colin Dowse (Other Person); Dr. A. Shrank (Other Person); Mr M. Evans (Other Person); Prof. L Bown (Other Person); Mr P. Stewart (Other Person); Mr T. Wheatley (Other Person) and Mr R. Tudor (Other Person) were present.

Mrs Davies addressed the Sub-Committee on behalf of the Applicant. She explained that a variation application had been submitted to extend the use of the outdoor seating area to 12 Midnight. She went on to explain that currently when the outside seating area was closed at 10 pm customers were leaving the premises to drink in another nearby premises which did not have the same restriction.

In response to questions from the Local Ward Member, Members of the Sub-Committee and Other Persons the Applicant confirmed that:

- The outdoor seating area would be mainly used at the weekend but the application had requested Monday - Sunday to allow the business flexibility;
- Most complaints received were made by residents who did not live near the premises;
- Customers were using the outdoor seating area at another nearby premises after 10pm;
- He also lived in the Town Centre and felt that at the weekend it was reasonable for outdoor seating areas to be used until 12 Midnight;
- Following the Premises Review Hearing no complaints had been received;
- It was proposed that alcohol would be served from the premises to consume in the outdoor seating area until 12 midnight; and
- The application for planning approval was being held until after this meeting.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

In response to questions from the Local Ward Member, Members of the Sub-Committee and Other Persons the Public Protection Officer (Specialist) confirmed that:

- He had discussed the application with the Planning department but it was not relevant to the hearing today;
- The application to be considered today was for a variation to extend the use of the outside drinking area from 10 pm to 12 Midnight;
- The restriction had been included on the Premises Licence but it was not usual for a condition of this type to be included on a Premises Licence; and
- There was no mention in the Shropshire Council Licensing Act Policy in relation to a 10 pm watershed in Shrewsbury to distinguish between the evening and night-time economy.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been amended to close the outdoor seating area completely at 12 Midnight, noting that initially the Applicant had requested for the area to remain open for consumption of non-alcoholic drinks.

In response to questions from the Local Ward Member and Other Persons, the Public Protection Officer (Professional) confirmed that:

- There had not been any complaints made to Public Protection regarding the Premises in the last 12 months;
- He considered that the application would not have a substantial impact on residents if the noise management plan was followed;
- Pavement Permits were granted for a 12 month period and can be revoked should there be a relevant reason to do so; and
- As the night-time economy changes it becomes more difficult to balance the needs of residents and businesses.

Sgt Coles (West Mercia Police) presented his case to the Sub-Committee confirming that the Premises was considered by the Police as an orderly house and he did not have any problems with the application.

In response to questions from Other Persons and Members of the Sub-Committee Sgt Coles confirmed that:

- The Premises was supervised well and was not considered a high demand premises by Police;
- CCTV does support policing but was not relied on by the Police;
- Door supervisors were able to help to calm people and intervene before incidents escalated;
- There was no evidence of drunk people misbehaving at this venue; and
- If the Police visit any premises it was recorded.

The meeting was adjourned at 3:50 p.m. for a break and reconvened at 4:00 p.m.

Mr M. Evans (Other Person) addressed the Sub-Committee on behalf of the Shrewsbury Town Centre Residents Association. He explained that if approved the additional opening hours of the outside seating area would have a detrimental effect on local residents, particularly their right to enjoy a peaceful night's sleep.

Dr A. Shrank (Other Person) addressed the Sub-Committee in relation to the application stating that if approved the application would have a detrimental effect on local residents, particularly their right to enjoy a peaceful night's sleep and would move the 10pm watershed that currently distinguishes between the evening and night-time economy.

Mr S. Warlock (Other Person) addressed the Sub-Committee in relation to the application stating that if approved the application would set a precedent for the Town and reminded Members that Shrewsbury was a Market Town not a City.

Prof. L. Bown (Other Person) addressed the Sub-Committee in relation to the application stating that the Premises was in the wrong location for an outdoor seating area.

Councillor Andrew Bannerman (Local Ward Councillor) addressed the Sub-Committee stating that if this application was granted the premises would become part of the night time economy and become intolerable for residents.

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 4:41 p.m. and reconvened at 5:20 p.m. to announce their decision.

RESOLVED:

That the variation application for Ashley’s Wine Bar, Shoplatch, Shrewsbury be granted and the following condition:

- No consumption of alcohol will be permitted in external areas after 22.00 hours.

Be amended to increase the end time from 22:00 to 00:00 as set out below:

- 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.

Reasons

The Sub-Committee had considered all of the documents submitted prior to the hearing and the representations made by all parties 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 residents and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was evidence to show that the licensing objectives would not be promoted by allowing the variation. Therefore, it was appropriate to grant the variation subject to the additional condition, set out above, which the applicant had accepted in order to further promote the licensing objectives.

Any party may appeal this decision to the magistrate’s court within 21 days of the decision notice being received.

The parties were advised that the decision would be confirmed in writing within 5 working days of the date of the hearing. 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: