



Licensing Act Sub-Committee

Monday 13<sup>th</sup> June

Item

3

Public

## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

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#### 1. Summary

To consider an application for a new Premises Licence.

**Premises:** The Beach 19 - 21 Hills Lane Shrewsbury Shropshire SY1 1QU.  
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 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 The Beach 19 - 21 Hills Lane Shrewsbury Shropshire SY1 1QU.

### **6. Background**

- 6.1 Bar Fever (Shrewsbury) Ltd, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

**Films, Live Music, Recorded Music, Other Entertainment Similar to Live or Rec Music or Dance Performance - indoors**

Monday to Sunday – 11:00 to 04:30

**Provision of Late Night Refreshment - indoors**

Monday to Sunday 23:00 to 04:30

**Supply of Alcohol - on and off the premises**

Monday to Sunday – 11:00 to 04:00

**Opening Hours**

Monday to Sunday – 11:00 to 04:30

In addition the following non-standard timings, at the start of British Summertime the terminal hour to be extended by one hour and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

1. Customers carrying open or sealed bottles would not be admitted to the premises during the hours the premises is open to the public.
2. A sign is displayed on the premises stating the standard hours during which the sale of alcohol is permitted.
3. CCTV in operation in both internal and external areas.
4. The Designated Premises Supervisor would regularly attend local Pubwatch meetings.
5. Colour, high quality CCTV coverage of the whole of the internal area, especially entrance and exit points will be provided at all times when licensable activities are taking place. Images would be retained for a minimum period of 28 days and provided, upon demand, to representatives of the Police or other responsible authorities.
6. Door staff shall be provided on all Wednesday, Friday and Saturday evenings (into the following morning), and Sundays prior to a Bank Holiday Monday, every evening (into the following morning) in December, between the starting time of evenings licensed activities and 30 minutes after closing.
7. Two door staff should be employed from 8pm on Wednesdays, Fridays and Sundays until 10pm and then from 10pm onwards at a ratio of 1:100 customers.
8. The licence holder would be a member of the Pubwatch scheme.
9. The premises licence holder will at all times risk assess the occupancy permitted at the premises.
10. There would be a recognised and immediately auditable method of counting patrons inside the premise (clickers).
11. There would be a duty of care policy formulated toward persons who are refused admission or ejected from the premise.

6.2.2 Public Safety

1. Fire doors effectively maintained, self-closing and not held open other than by approved devices;
2. Notices detailing action to be taken in the event of fire / other emergencies, including how the fire brigade shall be summoned, are prominently displayed and a Fire Risk Assessment would be completed on a quarterly basis.

6.2.3 Prevention of Public Nuisance

1. Doors and window closed whenever regulated entertainment takes place;
2. A noise limiter installed on all audio-amplifying equipment;
3. Alcohol not sold in open containers for consumption off the premises;

4. Signs located at all exits requesting customers leave the premises quietly and with consideration to neighbours.

#### 6.2.4 Protection of Children from Harm

1. Challenge 25 Policy applied. Signage at points of alcohol sale.
2. Proof of id being passport, photo card driving licence and/or PASS photo card.
3. Challenge log kept and available to responsible authorities upon request.
4. Induction training sessions will be held to train all new staff on the Challenge 25 procedures. This will be followed by regular refresher training, no less than annually. A documentary record will be kept of all staff training (including refresher training).
5. No person under the age of 18 years would be permitted on the premises.

6.3 The ground floor of the premises currently has the benefit of a premises licence (licence number PL/SC/15/05592). The current application seeks to add the first floor and to extend the permitted hours for licensable activities (end time on current licence 03:00 for all licensable activities with 03:30 end time for opening).

### 7. **Objections Received (Responsible Authorities)**

The Police have made a representation seeking additional conditions.

### 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 hours requested (c. end time of 4.30am for some activities and close 4.30am) and the nuisance/disorder that might be caused if a licence was to be granted.

8.2 The applicant has indicated that they wish 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 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.

Copies of representations received.

Existing premises licence.

### **Cabinet Member (Portfolio Holder)**

Cllr M Price

**Local Member** Councillor Andrew Bannerman

**Appendices**

Appendix A – Location Plan