



Committee and Date

Licensing Act Sub-Committee

Monday 27th June 2016

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist - Licensing)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a variation of a Premises Licence.

Premises: Dickin Arms, 37 Noble St, Wem, SY4 5DT. 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 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 Dickin Arms, 37 Noble St, Wem, SY4 5DT.

6. Background

6.1 Admiral Taverns Ltd has made an application for a variation of a Premises Licence. Admiral Taverns Ltd is the premises licence holder and the designated premises supervisor for the premises is Ms Rachel McIntosh.

6.2 The existing Premises Licence (copy attached at Appendix B) permits the following:-

Live & Recorded Music (indoors)

Fri - Sat 20:00-23:00

Late Night Refreshment (indoors/outdoors)

Mon - Sat 23:00-23:30

New Year's Eve 23:00-05:00

Supply of alcohol (on/off premises)

Mon/Wed/Thu 10.30 - 23.00

Tues/Fri/Sat 10.30 – 00:00

Sun 11.00 - 22.30

Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve - 00:00. End time on New Year's Eve is start time on New Year's Day.

Opening hours

Mon/Wed/Thu 10.30 - 23.30

Tues/Fri/Sat 10.30 – 00:30

Sun 11.00 - 23.00

Non-standard timings

End time on Xmas Eve, all Bank Holidays (inc Sun & Mon of Bank Holiday w'ends) & Xmas Eve 00:30. End time on New Year's Eve is start time on New Year's Day.

- 6.3 The variation application seeks to amend the hours permitted as follows:-

Live Music (indoors)

Mon – Sun 11:00 – 23:00

Recorded Music (outdoors)

Mon – Sun 10:30 – 23:00

Recorded Music (indoors) and Supply of alcohol (off and on premises)

Sun – Thu 10:30 - 00:00

Fri – Sat 10:30 – 01:00

Late Night Refreshment (indoors/outdoors)

Sun – Thu 23:00 - 00:00

Fri – Sat 23:00 – 01:00

Opening hours

Sun – Thu 10:30 - 00:30

Fri – Sat 10:30 – 01:30

In addition, the following non-standard timings for opening and all licensable activities:-

An additional hour on Xmas Eve, Xmas Day, Boxing Day, all Bank Holidays, New Year's Day and on the day British Summertime commences. End time on New Year's Eve is start time on New Year's Day.

- 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 current steps currently contained in the Licence would be all that is necessary.

- 6.5 Regarding the regulated entertainment currently permitted, following deregulation, live and recorded music inside and outside (eg in the beer garden) between the hours of 8am and 11pm Monday to Sunday, are no longer licensable activities for a pub. (There was an error on the application form regarding the recorded music outside, as that was merely seeking to reflect what is now automatically permitted and nothing additional).

7. Objections Received (Responsible Authorities)

Shropshire Council Noise Pollution have made a representation on the basis of prevention of public nuisance. This emanates from a history of noise complaints and the structure and location of the premises. They oppose any increase in hours.

8. Objections received (Other Persons)

- 8.1 Six 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 hours permitted on the Licence to be increased. These point to a recent history of disturbance from noise from music events and from customers when leaving the premises.
- 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 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 no additional conditions 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 M Price

Local Member

Cllr C Mellings

Appendices

Appendix A – Location Plan

Appendix B – Current Licence PL/SC/15/02222