



Committee and Date

Licensing Act Sub-Committee

Monday 12th December 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: Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH. 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 Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH.

6. Background

- 6.1 Mrs Rebecca Cadwallader, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Supply of Alcohol - on and off the premises

Sunday to Thursday - 10:00 to 23:00

Friday and Saturday – 10:00 to 00:00

24hrs for residents and bona fide guests

Opening Hours

Sunday to Thursday - 10:00 to 23:30

Friday and Saturday – 10:00 to 00:30

24hrs for residents and bona fide guests

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. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) throughout the preceding 31 day period following any incident.
2. A member of staff with knowledge of the CCTV will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.
3. 24hr sale of alcohol will be restricted to residents of the hotel and their bona fide guests only, (up to a maximum of 4 people per room including the resident).

6.2.2 Public Safety

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
2. All exit doors shall be maintained easily operable without use of a key card, code or similar means.
3. When Disabled people are present sufficient numbers of staff will be present to aid their safe evacuation as needs be.
4. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
5. Public areas will be maintained free from obstruction and trip hazards

6.2.3 Prevention of Public Nuisance

1. All waste will be properly packaged and presented for collection no earlier than 30 minutes before scheduled collection times.
2. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
3. No deliveries to or collections from the premises will take place between 21:00 and 07:00 hours.
4. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly.

6.2.4 Protection of Children from Harm

1. A challenge 25 policy will be adopted with proportionate and appropriate signage displayed.
2. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time

and name and signature of the staff member who refused the sale. This Log shall also be signed by the DPS of the premises on a monthly basis

3. Staff shall be trained in Licensing Law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

8.1 Thirteen representation have been received from other persons, who have concerns in respect of crime and disorder, public nuisance, public safety and protecting children from harm. Principally the concerns relate to the nuisance/disorder that might be caused if a licence was to be granted. Additionally there are concerns regarding the behaviour of people when around the premises and with regard to public safety.

8.2 The applicant has indicated that she wishes 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.
 Copies of representations received.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr V Hunt

Appendices

Appendix A – Location Plan