

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 27 June 2016
11.00 am - 12.47 pm in the Shrewsbury Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall
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Present

Councillors Vernon Bushell, Andrew Davies and Dean Carroll

32 Election of Chairman

RESOLVED:

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

33 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.

Councillor Dean Carroll stated that he knew one of the objectors through his role as a school governor, however this was not to an extent that would affect his judgement.

34 Application for a Variation of a Premises Licence - The Dickin Arms, 37 Noble Street, Wem.

Consideration was given to an application for a Variation of a Premises Licence in respect of Dickin Arms, 37 Noble Street, Wem, SY4 5DT.

Ms. L. Prince (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer (Specialist) - Shropshire Council), Mr Dave Hammond (objector), Mr David Waghorn (objector), Ms Rachel McIntosh (Designated Premises Supervisor – Applicant), Mr Mark Brown (Head of Licensing – Admiral Taverns, representing the Applicant) and Ms Joanne Chanter (Public Protection Officer – Professional – Shropshire Council).

Mr Mark Brown, on behalf of the applicant, addressed the Sub-Committee. Mr Brown explained that the application had been submitted in response to the needs of the business and its long standing customer base. The application would not change the nature of the business, it was intended to mean that regular customers could stay later if they wished to. The premises was very well managed and kept clean and tidy. It was intended to continue to hold one live acoustic music event per month, and there would be no outside entertainment in the beer garden. In an attempt to minimise the noise emanating from the premises and to protect the amenity of local residents, a number of measures had been implemented at the Premises, these included fitting double glazing, the filling up of vents and appropriate signage asking

customers to leave the premises quietly. Ms McIntosh added that the Dicken Arms had a client base ranging in age from 40 to 60 plus, taking a number of bar games, the pub was dementia friendly. The pub did not serve food and all music is finished by 11.00 p.m. Ms McIntosh referred to an isolated incident when a group of non-regulars had been denied entry and had caused some disturbance, however the incident had been dealt with properly by the police at the time. It was added that there was no evidence to suggest that the litter, broken glass and noise referred to by the objectors was related to the Dickin Arms as the street was used as a cut through by people leaving the town centre.

In response to questions from the Members of the Sub-Committee and objectors the Applicant confirmed that:

- The proper notice had been displayed in the window of the premises and an advertisement placed in the Shropshire Star;
- It was not the intention to play recorded music or have live music outdoors;
- With regards to Late Night Refreshments the intention was to hold the occasional barbeque or use a pizza oven, but it was not an essential part of the licence if Members were not supportive of this aspect; and
- Confirmed the option to request a review of the licence, should there be any problems in the future.

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.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the objection was made on the grounds of the Prevention of Public Nuisance. The Sub-Committee were informed that there were three different noise sources at the premises. Firstly noise from music being played and although the hours had reduced it was still intended to play recorded music past 23:00 hours on Fridays and Saturdays. It was explained that the Out of Hours Team had visited the premises and on the whole there were no issues to report. On one occasion noise levels that would have been audible from neighbouring properties were recorded, however this was before improvements had been made. Secondly noise emanating from the beer garden and thirdly noise from customers leaving the premises which was very difficult to control. The PPO (Professional) outlined the measures that she considered necessary to protect the amenity of nearby local residents.

In response to questions from the Sub-Committee the Public Protection Officer (Professional) confirmed that:

- There had been no complaints relating to noise over the past 14 months; and
- In relation to the issue of noise when customers leave the premises, there hadn't been significant noise nuisance to report.

Mr D. Hammond (Objector) addressed the Sub-Committee in relation to the application stating that the properties near to the premises were listed and so installing double glazing was not possible. Mr Hammond circulated photographs

which showed the Dickin Arms and the surrounding residential properties. Mr Hammond explained that whilst he understood the applicants need to expand the business the location of the Dickin Arms, within a residential area of the town made it unsuitable for extended hours. Mr Hammond referred to an incident in October 2015 which resulted in him making a complaint about the premises, however it seemed to have been a one off and the situation had improved since that time.

Mr D. Waghorn (Objector) addressed the Sub-Committee in relation to the application, he began by outlining where his property was located in relation to the Dickin Arms and explained that nearby properties were quite old and there was a direct line of sight from their bedroom window to the beer garden/smoking area. Mr Waghorn agreed that the premises was very well managed at present but he had concerns about whether any future licensee would run the premises in such a responsible way.

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 12.22 p.m. and reconvened at 12.43 p.m. to announce their decision.

RESOLVED:

That the variation application for Dickin Arms, 37 Noble Street, Wem be granted as follows:

Live Music (indoors)

Mon – Sun 11:00 – 23:00

Recorded Music (indoors)

Sun - Thu 10:30 - 23:00

Fri – Sat 10:30 – 00:00

Late Night Refreshment (indoors/outdoors)

Sun – Thu 22:00 - 23:00

Fri – Sat 23:00 – 00:00

Supply of alcohol (off and on premises)

Sun – Thu 10:30 – 00:00

Fri – Sat 10:30 – 01:00

Opening hours

Sun – Thu 10:30 - 00:30

Fri – Sat 10:30 – 01:30

Non-standard timings

An additional hour on Xmas Eve, Xmas Day, Boxing Day, 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.

And with the following additional conditions:

- No drink to be consumed in the outside after 23:00 hours.
- Doors and Windows to be kept closed after 21:00 hours during regulated times.

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 conditions, set out above, in order to further promote the licensing objectives.

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: