



<u>Committee and Date</u> Licensing Act Sub-Committee Tuesday 14 th March 2017	<u>Item</u> 3 Public
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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: The Claremont, 5 - 6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG. 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 with 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 Claremont 5 - 6 Claremont Street Shrewsbury Shropshire SY1 1QG.

6. Background

- 6.1 Wisetrace Holdings Ltd, have made an application for a new Premises Licence, the requested licensable activities and opening hours (as amended) are:

Live Music (Indoors)

Monday to Wednesday – 17:00 to 23:00

Thursday and Sunday – 17:00 to 01:00

Friday and Saturday – 17:00 to 02:00

Recorded Music (Indoors)

Sunday to Thursday - 10:00 to 01:00

Friday and Saturday – 10:00 to 02:00

Supply of Alcohol (on premises)

Sunday to Thursday - 10:00 to 00:30

Friday and Saturday – 10:00 to 01:30

Opening Hours

Sunday to Thursday - 10:00 to 01:00

Friday and Saturday – 10:00 to 02:00

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] There will be 2 SIA door staff on duty on the entrance door to the premises and 1 per 100 ratio of SIA staff to customers in the premises from 21:00hrs till close of business on Fridays and Saturdays and Sundays preceding a bank holiday Monday. All other times as risk assessed by the management team for the location.

2] In regard to CCTV at the premises we will require camera coverage of the areas open to the public and all points of entry and exit from the premises to include stairways. CCTV retained for a minimum of 30 day and in colour and of a digital format.

3] Production of any requested CCTV in a viewable format to the police/ licensing authority and any agency that has the right to make such a request.

4] There shall always be on site in operational hours a member of staff who is trained in the operation of the venue CCTV and who is able to download requested CCTV footage to requesting authority.

5] The venue will become a member of the Shrewsbury watch Town Centre radio linking system.

6.2.2 Public Safety

None.

6.2.3 Prevention of Public Nuisance

1] Notices to be displayed on exit points from the premises encouraging customers to leave the premises quietly and respect the right of local residents.

2] Doors and windows at the premises should remain closed during periods of amplified music at the location.

3] A noise management policy should be in place as agreed with Shropshire Council to prevent disruption to local residential properties.

4] Acoustic proofing of the building will be required due to the close proximity of residential properties to the premises.

6.2.4 Protection of Children from Harm

1. No under 18s on the premises after 23.30hrs to close.

2. Challenge 25 Policy applied. Signage at points of alcohol sale and entrance point to the premises.

3. Proof of id being passport, photo card driving licence, Government approved PASS photo ID card or HM Forces ID card.
4. Challenge log kept and available to responsible authorities upon request.
5. Induction training sessions will be held to train all new staff on the challenge 25 procedures and briefings to only accept full Passport, Driving License or PASS approved proof of age card or HM Forces ID card as proof of age. This will be followed by regular monthly staff review meetings on the challenge 25 procedures - and reinforcing certain aspects and any new legislation. A documentary record will be kept of all staff training (including refresher training).
6. A visual prompt reminding employees to use the Challenge 25 policy will be displayed in close proximity to the point of sale, and throughout the premises to remind waiting staff (who may not use the point of sale) and customers alike that the policy is operated.
7. Children under the age of 14 will not be permitted on the premises after 22:00hrs.

- 6.3 To seek to overcome concerns raised in representations received the applicant has submitted a noise impact assessment and has slightly altered the proposed licence plan.

7. Objections Received (Responsible Authorities)

Shropshire Council's Public Protection Noise Pollution have made a representation. The concerns are the potential nuisance that may be caused by the music that may be played in the premises and from noise from customers whilst smoking outside and from leaving the premises. This includes potential disturbance from taxis collecting customers.

8. Objections received (Other Persons)

- 8.1 Two representations have been received from other persons, who have concerns principally in respect of public nuisance. Those concerns relate to the nuisance/disorder that might be caused if a licence was to be granted and the lateness of the hours sought in the application. The location of the venue away from similar businesses in the town is also mentioned.
- 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.

Copies of representations received.

Additional information supplied by applicant including noise impact assessment.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr

Appendices

Appendix A – Location Plan