

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 12 December 2016

10.35 am - 1.59 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Peter Adams, Peter Cherrington and Vivienne Parry

10 **Election of Chairman**

RESOLVED:

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

11 **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.

12 **Application for a Premises Licence - Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH**

Consideration was given to an application for a Premises Licence in respect of Hayes Barn, The Hayes, Mount Road, Oswestry, Shropshire, SY10 7PH

Mr Gui Chipchase (Head of Licensing CPL Training – representing the applicant), Ms. Rebecca Cadwallader (Applicant), Ms. Sophie Dillon (Resident Manager of the Premises), Mr and Mrs Sarre (residents of The Hayes - Objectors), Miss Betty Gull (resident of Mount Crescent – Objector), Stuart McNeil (resident of Hayes View – Objector), Matthew John (resident of High Fawr Avenue – Objector), Councillor Rebecca Chahar-Evans (Oswestry Town Councillor – Objector), Mr and Mrs Parish (resident of High Fawr Avenue – Objectors), Mr Philip Trow (resident of Mount Crescent – Objector), Councillor Vince Hunt (Shropshire Council Local Ward Member and member of Oswestry Town Council supporting objectors) Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

On behalf of the applicant, Mr Gui Chipchase addressed the Sub-Committee stating that Hayes Barn was primarily a Bed and Breakfast establishment. The applicant had attempted to address the concerns of local residents through the mediation process, explaining that it was not the applicant or the premises managers' intention to cause disturbance to nearby residents. Events such as stag parties would not take place at Hayes Barn, some examples of recent enquiries for events that would not have been suitable to have been held at the Barn were given. Conditions to

protect the amenity of local residents had been proposed and if the Premises Licence were granted, the Licensing Act would also offer protection to local residents who under the act could request a review of the Premises Licence. The type of events that they were hoping to attract to Hayes Barn were outlined. These included conference style lunches and events in association with small, local business within Oswestry. It was confirmed that there was ample parking at Hayes Barn to accommodate the numbers of guests anticipated.

In response to questions from the Public Protection Officer (Specialist), Objectors and Members of the Sub-Committee the applicant's representative confirmed:

- That the site notice had been displayed on the gate at the entrance to Hayes Barn and in accordance with the licensing requirements;
- Recorded music would be played within the premises along with the occasional use of a DJ and the occasional live pianist;
- All music would stop at 11.00 p.m.;
- There were no plans to erect a marquee within the grounds of Hayes Barn although guests would be able to consume their drinks in the garden of the premises;
- The nearest residential property was approximately 50 meters away;
- The potential maximum capacity of the premises could be up to 150 in total, however the largest event to be held at the premises would be for approximately 80-100 guests, the small bar area could accommodate 15-18 people;
- They anticipated holding approximately one function per week or approximately 30 per year; and
- They were happy to remove 'bona fide guests' from the licence and the operating schedule.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and during the statutory consultation period thirteen letters of representation had been received.

In response to questions from the applicant, objectors and Members of the Sub-Committee the Public Protection Officer (Specialist) stated that:

- Clarified what the requirements were in relation to displaying site notices and confirmed that in his view, the site notice had been displayed in the most appropriate location and that this was reflected in the large number of representations from local residents that had been received;
- The agent for the applicant had sent him a copy of the Oswestry Advertiser which featured the public notice;
- In response to points raised regarding the way that Shropshire Council had dealt with the application, the PPO confirmed that this had no bearing on the application before the Sub-Committee, although the application had not appeared on the Shropshire Council Website, notification of the application had been sent to all relevant parties, including Oswestry Town Council and the local elected Councillors.

The Chairman invited the objectors to present their case. Additional information was presented as part of the Objectors submissions and the applicant and the applicant's representative confirmed they were happy for the additional information to be considered by the Sub-Committee.

Mrs K. Sarre who objected to the application on the grounds of public safety, addressed the Sub-Committee, during her presentation the potential implications for highways safety as vehicles enter and exit the single track driveway and the safety of pedestrians using the pavement were highlighted. Mrs Sarre also referred to correspondence from David Gradwell (Shropshire Council Area Traffic Engineer (North)) who shared her concerns relating to access to the premises.

Miss B. Gull who objected to the application on the grounds of public safety and prevention of public nuisance addressed the Sub-Committee. During her presentation concerns in relation to highway and pedestrian safety were raised and concerns that the applicants appeared to be wishing to trade on different terms to those originally stated during the planning process.

Mr S. McNeil briefly addressed the Sub-Committee stating that his objections related to noise nuisance.

The Chairman adjourned the meeting at 12.41 p.m. and reconvened at 12.49 p.m.

Mr M. John, Objector and representing 19 local residents addressed the Sub-Committee. During his presentation Mr John raised objections relating to the potential for public nuisance (noise), the prevention of harm to children, light pollution, public safety, the prevention of crime and disorder due to the close proximity of the premises to nearby residential properties.

Councillor Vince Hunt, local Shropshire Councillor, spoke on behalf of local residents. Councillor Hunt explained that he had concerns in relation to public safety and questioned whether a fire risk assessment had been carried since the licensing application had been made.

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 1.28 p.m. and reconvened at 1.51 p.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH be granted for the following days, hours and licensable activity:

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

Opening Hours

Sunday to Thursday - 10:00 to 23:30

Friday and Saturday – 10:00 to 00:30

24hrs for residents

And in accordance with the following operating schedule

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 only, (up to a maximum of 4 people per room including the resident).

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. That the premises licence holder will ensure that clear and appropriate signage will be displayed and remain unobstructed at the entrance to the property to direct guests to the car parking facilities.

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.
5. Any legitimate complaint made by a resident to the management of the premises in relation to noise will be addressed with the minimum of delay and shall be recorded in an incident log which will be available for inspection by the police or authorised officer.

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

The Sub-Committee also recommends that the premises licence holder install noise limiters to the sounds system and provides contact details to a resident(s) in order to deal with any complaints or concerns.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and 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 raised by the local residents in respect of potential issues that granting the licence may cause and understood their position. The Sub-Committee also noted the concerns raised as to the requirements to advertise the application, but determined that the applicant had correctly followed the statutory procedure. Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that 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: