



Committee and Date
Licensing Act Sub-Committee
Monday 5th June 2017

Item
4
Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Jessica Moores, Public Protection Officer (Professional)
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1. Summary

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

Premises: The George, Bailey Street, Oswestry, Sy11 1PX. 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 and during the statutory consultation period relevant representations were made. The application is therefore 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 variation of the Premises Licence for The George, Bailey Street, Oswestry, SY11 1PX

6. Background

6.1 The Craft Union Pub Company Ltd has made an application for a variation of a Premises Licence. The Craft Union Pub Company Ltd are the premises licence holders and the designated premises supervisor is Miss Alison Beckett.

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

Supply of alcohol (on/off premises)

Mon - Sat 10:00-01:00

Sun 12:00-23:30

Good Friday 12:00-22:30; Christmas Day 12:00-15:00 and 19:00-22:00; New Year's Eve 10:00-03:00 on 2nd January

Recorded Music (Indoors)

Mon - Sat 10:00-00:30

Sun 12:00-23:00

Good Friday 12:00-22:30; Christmas Day 12:00-15:00 and 19:00-22:00; New Year's Eve 10:00-03:00 on 2nd January

Opening hours

Mon - Sat 10:00-01:00

Sun 10:00-23:30

Good Friday 12:00-22:30; Christmas Day 12:00-15:00 and 19:00-22:00; New Year's Eve 10:00-03:00 on 2nd January

6.3 The variation application seeks to amend the following:-

Supply of alcohol (on/off premises)

Mon – Sat 09:00 – 00:30

Sun 09:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early may Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

Recorded Music (Indoors)

Mon – Sat 09:00-00:30

Sun 09:00-23:00

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early may Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

6.4 The variation application seeks to add the following:

Live Music (Indoors)

Performance of Dance (Indoors)

Indoor Sporting Events

Mon – Sat 09:00-00:30

Sun 09:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

Late Night Refreshment (Indoors)

Mon-Sat 23:00-00:30

Sun 23:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

- 6.5 The applicant has identified a number of conditions they believe could be removed from the existing licence as a result of the above variations they are seeking. These are the Embedded Restrictions added to the licence under the Licensing Act 1964 and can be seen on the existing Premises Licence at the end of Annex 1 (copy attached at Appendix B), and listed in the application.
- 6.6 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 there will be no change to those conditions currently contained in the Licence at Annex 2 (copy attached at Appendix B).

7. Objections Received (Responsible Authorities)

- 7.1 Following discussions with the police regarding the prevention of crime and disorder in relation to the hours of the licensable activities, the applicant has agreed to the following condition being added to the licence if the application to vary is granted:

“Where licensable activities are to be operated after 00.30 hours SIA door staff will be required on a ratio of 1 to 100 customers or part thereof from 22.00 to closing time on the following days;-

New Years’ Eve, St Patrick’s Day, St David’s Day, St George’s Day, St Andrew’s Day, St Valentine’s Day, Burns Night, Bonfire Night, Early May Bank Holiday (Friday Saturday Sunday Monday) Late May Bank Holiday (Friday Saturday Sunday Monday) August Bank Holiday (Friday Saturday Sunday Monday), Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, any other public holiday declared by the state (Friday Saturday Sunday Monday) (Coronation, Death of the Monarch, Wedding, Jubilee etc.) Christmas Eve, Christmas Day, Boxing Day, 27th December, 28th December, 29th December, 30th December.”

8. Objections received (Other Persons)

- 8.1 Three 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 possible crime/disorder that might be caused by allowing the requested variations to the timings of the existing licensable activities, and addition of new licensable activities.
- 8.2 The applicant has indicated that they wish to continue with the application as detailed above.
- 8.3 The applicant has contacted all three objectors in an attempt to address their concerns, however 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 the amendments/additions with additional wording as detailed in paragraphs 6.3 and 6.4, and the condition with additional wording as detailed in paragraph 7.1 of this report 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.
- 9.3 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 L Chapman

Local Member

Cllr P Milner

Appendices

Appendix A – Location Plan

Appendix B – Current Licence 16/04525/LTRPRE