

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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1. Summary

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

- **Premises:** The Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ. 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 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 Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ

6. Background

6.1 Mr William Wyatt has made an application for a variation of a Premises Licence. Mr Wyatt is the premises licence holder and the designated premises supervisor.

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

Supply of alcohol (on/off premises)

Monday to Saturday: 10:00 - 23:00

Sunday: 12:00 - 22:30

Non Standard Timings

Good Friday 12.00-22.30. Xmas Day 12.00-15.00 + 19.00-22.30. End time on New Year's Eve is start time on New Year's Day.

Late Night Refreshment (Indoors)

Monday to Saturday: 23:00 - 00:00

Sunday: 23:00 - 23:30

Non Standard Timings

Good Friday and Xmas Day 23.00-23.30. New Year's Eve 23.00-05.00.

- 6.3 The variation application seeks to amend the following:-

Supply of alcohol (on/off premises)

Monday – Sunday: 09:00 – 00:00

Non Standard Timings

End time on New Year's Eve is start time on New Year's Day

- 6.4 The variation application seeks to add the following:-

Recorded Music (Indoors)

Monday to Sunday: 23:00 – 00:00

End time on New Year's Eve is start time on New Year's Day

Opening Hours

Monday to Sunday: 09:00 – 00:30

End time on New Year's Eve is start time on New Year's Day

- 6.5 The applicant has identified a number of conditions they believe could be removed from the existing licence as a result of the variations they are seeking. They 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).
- The General conditions in Annex 2 of the existing licence to be updated/replaced with the additional conditions outlined in paragraph 6.6 of the report.

- 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 the below steps would be taken:

6.6.1 General

Staff training on Licensing Act 2003/Emergency Action Plan updated at least annually. Records kept and available to the Responsible Authorities on request.

6.6.2 The Prevention of Crime & Disorder

A fully operational colour CCTV system will record the interior and exterior of the premises. The images will be held for a minimum of 28 days and will be made available to the Police or other authorised agency on reasonable request.

6.6.3 Public Safety

1. Fire alarm maintained in operational order
2. First Aid kit in place

6.6.4 The Prevention of Public Nuisance

1. The windows will be kept shut when Regulated Entertainment is taking place
2. Signs at front door asking customers to leave quietly

6.6.5 The Protection of Children from Harm

1. Challenge 25 policy in place
2. Proof of ID by Passport, photocard driving licence and PASS approved photocards
3. Visual prompt at point of sale reminding staff to employ Challenge 25 rule

7. Objections Received (Responsible Authorities)

- 7.1 Following discussions with the police regarding the prevention of crime and disorder and protection of children from harm, the applicant has agreed to the following conditions being amended in the proposed operating schedule, or added to the licence, if the application to vary is granted:

The Prevention of Crime & Disorder

1. Digital colour CCTV system operating at all times licensable activities are taking place, covering areas public have access to (save for toilet areas) and front entrance doors to premises. Images retained for a minimum of 28 days. Images produced to any responsible authority upon request and in a viewable format. A member of staff trained in the operation of the CCTV system will be at the premises at all times licensable activities are taking place.
2. The premises shall have a town centre link radio.

The Protection of Children from Harm

1. Training will be held to train all persons supplying alcohol (prior to them supplying alcohol) on the Challenge 25 procedures and service to intoxicated persons. Refresher training no less than every three (3) months. A training record to be maintained and available to responsible authorities on request.
2. Challenge log kept and available to responsible authorities upon request.
3. Challenge 25 Policy applied. Signage at points of alcohol sale. Visual prompt concerning Challenge 25 at close proximity to points of sale, the front entrance and on each floor level.

8. Objections received (Other Persons)

- 8.1 Six representations have been received from 'other persons', who primarily have concerns in respect public nuisance. Principally the concerns relate to the nuisance that might be caused at neighbouring residential properties by

allowing the requested variations to the timings of the existing licensable activities.

8.2 The applicant has indicated that they wish to continue with the application as detailed above.

8.3 None of the representations have 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, 6.4 and 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
Existing Licence (17/01033/LVDPS)

Cabinet Member (Portfolio Holder)

Cllr R Macey

Local Member

Cllr N Green

Appendices

Appendix A – Location Plan

Appendix B – Current Licence 17/01033/LVDPS