

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

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1. Summary

To consider an application for a new Premises Licence.

Premises: Orchard Café, 11 Belmont, Shrewsbury, SY1 1TE

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 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 new Premises Licence for Orchard Café, 11 Belmont, Shrewsbury, SY1 1TE.

6. Background

- 6.1 Shrewsbury Diocese Commercial Company Ltd have made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Supply of Alcohol (On and Off premises)

Monday to Sunday - 10:00 to 18:00

Opening Hours

Monday – Sunday - 00:00 to 23:59

- 6.2 24 hour opening has only been applied for as the licensable area on the plan forms part of a larger building within which some areas (the parish room, the dining room, Dean's Office and Bishop's Parlour) are currently used for non-licensable activities such as prayer meetings. In order to allow use of these

areas and access and egress 24 hour opening is required. Licensable activities however are only applied for until 6pm (as detailed above).

6.3 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.

6.3.1 Prevention of Crime and Disorder

1] The use of door staff will be risk assessed on an ongoing basis by the premises licence holder or premises supervisor

2] Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided.

3] Staff will receive training on matters concerning underage sales, drug policies and operating procedures.

4] There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.

5] CCTV will be in operation and cover all entrances and exits of the premises, points of sale as well as the outdoor seating areas. CCTV recordings will be kept for a minimum of 30 days and made available to any authorised officer upon request

6.3.2 Public Safety

1] The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.

2] Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

3] Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

6.3.3 Prevention of Public Nuisance

1] Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the need of local residents and leave the premises and area quietly.

6.3.4 Protection of Children from Harm

1] There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

2] Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.

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] Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually

7. Objections Received (Responsible Authorities)

7.1 No objections were received from the Responsible Authorities.

8. Objections received (Other Persons)

8.1 Five representations have been received from other persons, who have concerns principally in respect of public nuisance and public safety. Those concerns relate to the nuisance that might be caused to local residents if a licence was to be granted, and proximity of the premises access to a road.

8.2 In response to the representations made by local residents, the applicant has drastically reduced the licensable activities and times being applied for in comparison to those in the application. The licensable activities and timings in this report are those they are now applying for.

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 (April 2017).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form.
Copies of representations received.

Cabinet Member (Portfolio Holder)

Cllr R Macey

Local Member

Cllr N Green

Appendices

Appendix A – Location Plan