



Committee and Date
Licensing Act Sub-Committee
13th September 2017

Item
3
Public

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 Warehouse, 5 – 6 Claremont Street, Shrewsbury, 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 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 Warehouse, 5 – 6 Claremont Street, Shrewsbury, SY1 1QG.

6. Background

6.1 Wisetrace Holdings Ltd have made an application for a Variation of a Premises Licence. Wisetrace Holdings Ltd are the premises licence holder and the designated premises supervisor is Mr Simon John Rodenhurst.

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

The opening hours of the premises

Monday to Saturday 09:00 - 00:30

Sunday 10:00 - 00:30

Supply of Alcohol (On the premises)

Monday to Sunday 10:00 - 00:00

Recorded Music (Indoors)

Monday to Sunday 10:00 - 00:00

6.3 The variation application seeks to amend the following:-

The opening hours of the premises

Friday to Saturday 10:00 – 01:30

Thursday to Sunday 10:00 – 00:30

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:30.

Supply of Alcohol (on the premises)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

Recorded Music (Indoors)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

6.4 The variation application seeks to add the following:-

Live Music (Indoors)

Friday to Saturday 10:00 – 01:00

Sunday to Thursday 10:00 – 00:00

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:00.

Late Night Refreshment (Indoors)

Friday to Saturday 23:00 – 01:30

Sunday to Thursday 23:00 – 00:30

Non Standard Timings:

From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays until 01:30.

6.5 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:

6.5.1 General

No change from existing licence

6.5.2 The Prevention of Crime & Disorder

No change from existing licence

6.5.3 Public Safety

No change from existing licence

6.5.4 The Prevention of Public Nuisance

1. No entry shall be permitted to the premises after 00:00 Friday and Saturday, save for returning smokers.

6.5.5 The Protection of Children from Harm

No change from existing licence

7. Objections Received (Responsible Authorities)

7.1 One objection was received from Environmental Health. Principally this objection concerns the proximity of the premises to residential properties and their bedrooms, and the possibility of effective mitigation of noise sources from the premises so as not to cause a public nuisance.

8. Objections received (Other Persons)

8.1 Five representations have been received from 'other persons', who primarily have concerns in respect of 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, and the addition of new licensable activities. Concerns are also raised in relation to a potential increase in anti-social behaviour and crime in relation to the variations sought, and the impact this may have on neighbouring residents and the local area generally.

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 6.5.4 of this report would need to be included in the licence.

9.3

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, 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 (17/01188/LPREM)

Cabinet Member (Portfolio Holder)

Cllr R Macey

Local Member

Cllr N Green

Appendices

Appendix A – Location Plan

Appendix B – Current Licence 17/01188/LPREM