

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 5 June 2017

9.30 am - 12.38 pm in the Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

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

Present

Councillors Dean Carroll, Simon Jones, Vivienne Parry and Keith Roberts (present for Item 4)

1 Election of Chairman

RESOLVED:

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

2 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.

3 Application for a Premises Licence - The Claremont, 5-6 Claremont St, Shrewsbury

Consideration was given to an application for a Premises Licence in respect of The Claremont 5 – 6, Claremont Street, Shrewsbury, Shropshire, SY1 1QG.

Mr Simon Rodenhurst (Director of Wisetrace Holdings Ltd – Applicant), Ms Rebecca Ingram (Solicitor acting on behalf of the applicant), Mr Andrew Bannerman (Objector), Jessica Moores (Public Protection Officer – Professional) and Louise Prince (Shropshire Council Solicitor) were present.

Ms Ingram requested permission to circulate a witness statement from the applicant. The Sub-Committee agreed and adjourned at 9.34 a.m. to allow time for all parties present to read the statement and supporting information. The Sub-Committee reconvened at 9.41 a.m.

On behalf of the applicant, Ms Ingram addressed the Sub-Committee in relation to the application. She stated that the premises was located within a predominately commercial area of Shrewsbury, however it was noted that there were residents in the vicinity of the premises and the applicant recognised the importance of ensuring residents were not adversely affected. The applicants Solicitor outlined the steps that the applicant would take to ensure that residents were not subjected to noise nuisance.

In response to questions from the Public Protection Officer (Professional), Objector and Members of the Sub-Committee the applicant's solicitor confirmed:

- The premises would be open until 00:30 hours Monday to Sunday with supply of alcohol ending at 00:00 hours to allow for 30 minutes drinking up time and gradual dispersal of customers;
- Only one floor of the premises was the subject of the application;
- Clarified that patron noise included music and customers voices;
- Outlined the vision for the premises, the target market being over 25's, with a strong food element;
- The capacity of the premises would be determined by a fire risk assessment which was ongoing and would be completed when the premises had been fitted out and submitted to Environmental Health for approval; and
- A table booking system would be in operation, which would ensure that customers were staggered throughout the evening and door staff would be employed to assist with a gradual dispersal of customers.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that two relevant representations had been received during the statutory consultation period. She noted that a representation from Shropshire Council's Public Protection, Noise Pollution Team had been received, however the applicant had agreed to additional conditions being added to the licence if the application were successful, and therefore the Noise Pollution Team had withdrawn their representation.

The Chairman invited the objector to present his case. Mr Bannerman addressed the Sub-Committee outlining the history and growth of the night time economy in Shrewsbury. Mr Bannerman explained that his main concerns and those shared by Shrewsbury Town Council were contiguity with local residents.

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 10.39 a.m. and reconvened at 10.47 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for The Claremont, 5-6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Recorded Music (Indoors)

Monday to Sunday - 10:00 to 00:00

Supply of Alcohol (On premises)

Monday to Sunday - 10:00 to 00:00

Opening Hours

Monday to Sunday - 09:00 to 00.30

And in accordance with the following operating schedule

General – all four licensing objectives

Ensure that communication is sustained between all members of staff involved in the running of the business to meet the standards set out below

Prevention of Crime and Disorder

1] There will be 2 SIA door staff on duty on the entrance door to the premises and 1 per 100 ratio of SIA staff to customers in the premises from 21:00hrs till close of business on Fridays and Saturdays and Sundays preceding a bank holiday Monday. All other times as risk assessed by the management team for the location.

2] In regard to CCTV at the premises we will require camera coverage of the areas open to the public and all points of entry and exit from the premises to include stairways. CCTV retained for a minimum of 30 day and in colour and of a digital format.

3] Production of any requested CCTV in a viewable format to the police/ licensing authority and any agency that has the right to make such a request.

4] There shall always be on site in operational hours a member of staff who is trained in the operation of the venue CCTV and who is able to download requested CCTV footage to requesting authority.

Public Safety

1] These matters will be detailed by the fire safety review

Prevention of Public Nuisance

1] Notices to be displayed on exit points from the premises encouraging customers to leave the premises quietly and respect the right of local residents.

2] Doors and windows at the premises should remain closed during periods of amplified music at the location.

3] A noise management policy should be in place as agreed with Shropshire Council to prevent disruption to local residential properties.

4] Acoustic proofing of the building will be required due to the close proximity of residential properties to the premises.

Protection of Children from Harm

1] No under 18s on the premises after 23.30hrs to close.

2] Challenge 25 Policy applied. Signage at points of alcohol sale and entrance point to the premises.

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] Induction training sessions will be held to train all new staff on the challenge 25 procedures and briefings to only accept full Passport, Driving License or PASS approved proof of age card or HM Forces ID card as proof of age. This will be followed by regular monthly staff review meetings on the challenge 25 procedures - and reinforcing certain aspects and any new legislation. A documentary record will be kept of all staff training (including refresher training).

6] A visual prompt reminding employees to use the Challenge 25 policy will be displayed in close proximity to the point of sale, and throughout the premises to remind waiting staff (who may not use the point of sale) and customers alike that the policy is operated.

7] Children under the age of 14 will not be permitted on the premises after 22:00hrs.

And the following additional conditions as recommended by Shropshire Council's Public Protection Noise Pollution Team:

- The licence is granted for on sales only
- Doors and windows to the premises shall be kept shut after 2300hrs except for access and egress.
- No deliveries or collections relating to licensable activities at the premises will take place between the hours of 07:00-19:00 Monday to Saturday, and at no time on Sundays and Bank holidays.
- A Noise Management Plan shall be submitted to and approved in writing by the licensing Authority prior to the premises being used for licensable activities The measures detailed in the plan shall be fully implemented at all times. This plan shall be subject to regular review and any changes necessary shall be submitted in writing to the Licensing Authority.

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 of the objector. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted 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.

The meeting was adjourned at 10.48 a.m. and reconvened at 11.45 a.m.

4 Application for a Full Variation of a Premises Licence - The George, Bailey Head, Oswestry

Councillor Simon Jones, left the meeting at this point and Councillor Keith Roberts was in attendance for this item.

Consideration was given to an application for a Variation of a Premises Licence in respect of The George, Bailey Street, Oswestry, SY11 1PX.

Ms. L. Prince (Solicitor – Shropshire Council), Jessica Moores (Public Protection Officer – Professional – Shropshire Council), Miss Alison Beckett (Manager and DPS), Mr Beckett and Ms Johnson (Solicitor acting on behalf of the applicant) and Mr Duncan Borrowman (Objector) were in attendance.

Ms Johnson, Solicitor acting on behalf of the applicant, addressed the Sub-Committee explaining that the application was seeking an extension of hours until 2.00 a.m. on certain days of the year. It was noted that following discussions with the police in relation to the prevention of crime and disorder an additional condition had been agreed to add an additional condition as detailed in the report of the Public Protection Officer. It was added that the objections raised by the three local residents were not supported by objections from either the police or the Environmental Health.

In response to questions from the Members of the Sub-Committee and objectors the applicant's representative confirmed that:

- Objectors had been contacted as part of the mediation process, as this was standard practice;
- It was not considered necessary to employ door staff as when the premises had opened late with a Temporary Event Notice there were no door staff and no issues had arisen; and
- There had been no complaints received and there were no ongoing issues to report.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received. The Public Protection Officer reported an amendment to include Easter Saturday in all licensable activity.

Mr D. Borrowman (Objector) addressed the Sub-Committee in relation to the application. Mr Borrowman explained that he owned and lived above the Bailey Head Public House which was situated near to The George. The building was listed and single glazed and so noise was already a problem

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 12.30 p.m. and reconvened at 12.37 p.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for The George, Bailey Street, Oswestry, SY11 1PX, be granted for the following days, hours and licensable activity:

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 Saturday; 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 Saturday; 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

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 Saturday; 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 Saturday; 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

That the Embedded Restrictions added to the existing Licence under the Licensing Act 1964 be removed.

And in accordance with the operating schedule contained within the current premises licence and an additional condition as recommended by the Police as follows:

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, New Year's Day, 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."

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before 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 objectors to the application.

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 parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. 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: