



Committee and Date

Licensing Act Sub-Committee

2nd November 2017

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

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

To consider an application for a new Premises Licence.

Premises: The Bakery, 2 Barber Street, Broseley, TF12 5NR

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 The Bakery, 2 Barber Street, Broseley, TF12 5NR

6. Background

- 6.1 Mr Andrew James Dyke and Mr Andrew Stefan Popsys, trading as The Butchers Kitchen Ltd, have made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Supply of Alcohol (On premises)

Monday to Sunday - 11:00 to 22:30

Opening Hours

Monday – Sunday - 11:00 to 23:00

- 6.2 Timings for recorded music have been provided on the application, but it should be noted that no licence is required for recorded music between the

hours of 08:00 – 23:00 where it takes place on premises which are authorised by a premises licence to be used for the supply of alcohol for consumption on the premises. Recorded music would not therefore need to appear on this licence.

- 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 General

1] All staff will receive full training in health and safety, food safety and licensing laws and requirements.

2] Opening hours will be clearly displayed.

3] Weights and measures will be regularly tested and recorded as well as being clearly marked on all products/menus.

4] Violent, abusive or intimidating behaviour will not be tolerated. All theft, damage or any illegal activity will be immediately reported and criminals will be prosecuted.

6.3.2 Public Safety

1] Fire alarms are to be fitted throughout the premises with evacuation plans and clear signage throughout. All fire and alarm systems will be regularly tested and recorded.

2] Fire extinguishers/blankets will be fitted throughout and tested annually with certification to ensure all are in good working order.

3] A full risk assessment is to be completed, with full explanation and training to be given to all staff.

6.3.3 Prevention of Crime and Disorder

1] Colour digital CCTV will be in operation covering all internal and external areas of the premises. Recordings will be retained for a minimum of 28 days and made available in a viewable format to the police, licensing authority and any other authorised authority on demand.

2] The premises will be a member of the local pub watch scheme.

3] The premises will work closely with the local police

4] Any criminal or suspicious behaviour will be recorded and reported in the first instance.

6.3.4 Prevention of Public Nuisance

1] Last food orders will be one hour before closing and last drinks orders will be 30 minutes before closing to ensure customers have an opportunity to disperse from the premises before closing time.

2] Food and drinks are to be consumed on the premises only.

3] Any customer appearing intoxicated or under the influence of drugs will be refused service and asked to leave the premises.

4] All staff will have full training in how to spot and deal with customers who may be drunk or on drugs

6.3.5 Protection of Children from Harm

1] Challenge 25 policy will be in place for all alcohol sales.

2] Challenge 25 signage will be displayed at all points of sale.

3] Proof of age ID will be, passport, photo card driving licence and PASS photo card.

4] A challenge log book will be kept and will be available to all responsible authorities upon request.

5] All staff responsible for supplying alcohol will have challenge 25 training, with refresher training being held every 12 months. Full training records will be held on site and be available upon request to any responsible authority.

6] Children will only be allowed on the premises after 6pm if accompanied by an adult.

7] No gambling will take place in any form on the premises.

8] A range of non-alcoholic drinks will be available at all times.

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, crime and disorder and public safety. Those concerns primarily relate to the nuisance that might be caused to local residents if a licence was to be granted in terms of increased noise, the potential for increased levels of crime and anti-social behaviour in the vicinity as a result of another licensed premises and the potential increase of parked cars and traffic on local streets.

8.3 The applicants wish to proceed with the application as originally submitted, 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.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>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.</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Cllr R Macey</p>

<p>Local Member</p>

<p>Cllr Simon Harris</p>

<p>Appendices</p>

<p>Appendix A – Location Plan</p>
