



<u>Committee and Date</u>
Licensing Act Sub-Committee
Wednesday 17 <sup>th</sup> January 2018

<u>Item</u>
<b>3</b>
Public

## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

**Responsible Officer** Jessica Moores, Public Protection Officer (Professional)  
e-mail: [licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk) Tel: 0345 6789026

#### 1. Summary

To consider an application for a new Premises Licence.

Premises: Woodside Fishery, Milson, Kidderminster, Shropshire, DY14 0BU

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 Act 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 Woodside Fishery, Milson, Kidderminster, Shropshire, DY14 0BU

### **6. Background**

- 6.1 Mr Peter Hughes and Mr Stephen Gould have made an application for a new Premises Licence, the requested licensable activities and opening hours of the original application are:

#### **Live Music (Indoors/Outdoors)**

Friday to Saturday – 19:00 to 01:00

Sunday – 19:00 to 23:00

Extended hours on New Year's Eve

#### **Recorded Music (Indoors/Outdoors)**

Friday to Saturday – 19:00 to 01:00

Sunday – 19:00 to 23:00

Extended hours on New Year's Eve

**Late Night Refreshment (Indoors/Outdoors)**

Friday to Saturday – 19:00 to 02:00

Sunday – 19:00 to 23:00

**Supply of Alcohol (On/Off premises)**

Friday to Saturday - 19:00 to 01:30

Sunday 19:00 – 23:00

6.2 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. In their original application the applicants indicated that the following steps would be taken.

6.2.1 Prevention of Crime and Disorder

Security lighting

Alarms

Doormen

Security staff

CCTV

6.2.2 Public Safety

1<sup>st</sup> aiders

Local paramedic

Appropriate safety equipment (fire extinguishers/medicine box)

Barriers

Security staff

CCTV

6.2.3 Prevention of Public Nuisance

Supervision on site

Customer vetting

CCTV

Signs requesting respect for neighbours when leaving site

6.2.4 Protection of Children from Harm

No go areas for children

Restricted access to certain areas

Barriers/locked doors/gates

CCTV

Security staff

**7. Objections Received (Responsible Authorities)**

7.1 Following comments from the Licensing Authority, the applicants clarified that they only required live and recorded music indoors, so the outdoor provision of these activities has been removed from the application.

They have also agreed to the following conditions under the Protection of Children from Harm:

1. Challenge 25 Policy applied. Signage at points of alcohol sale.
2. Proof of id being passport, photo card driving licence and/or PASS photo card.
3. Challenge log kept and available to responsible authorities upon request.
4. Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually. Training records kept on site and available to responsible authorities on request.

They have further agreed the following conditions under the Prevention of Crime and Disorder:

1. Colour digital CCTV in place and operational at all times when licensable activities are taking place, to cover internally and the entrance/exit point(s) (for all areas the public have access to). Recordings to be retained for a minimum of 31 days and made available in a viewable format to the Police, Licensing Authority and any other authorised body upon reasonable request.
  2. There will always be a staff member trained in the operation of the CCTV system on the premises whilst licensable activities are taking place.
- 7.2 Following comments from Environmental Health, the applicants have agreed to the following condition under the Prevention of Public Nuisance:
1. Prior to any licensable activities taking place, a Noise Management and Sound Insulation Plan shall be submitted to, and approved in writing by, the Licensing Authority. This management plan shall be fully implemented at all times that Licensable activities are taking place.
- 7.3 Following comments from the Police, the applicants have agreed to amend the hours for licensable activities as follows:

**Live Music (Indoors)**

Friday to Saturday – 19:00 to 12:00

Sunday – 19:00 to 23:00

Non Standard Timings:

New Year's Eve – 19:00 to 01:00

**Recorded Music (Indoors)**

Friday to Saturday – 19:00 to 12:00

Sunday – 19:00 to 23:00

Non Standard Timings:

New Year's Eve – 19:00 to 01:00

**Late Night Refreshment (Indoors)**

Friday to Saturday – 19:00 to 12:00

Sunday – 19:00 to 23:00

Non Standard Timings:

New Year's Eve – 19:00 to 01:00

**Supply of Alcohol (On/Off premises)**

Friday to Saturday - 19:00 to 12:00

Sunday 19:00 – 23:00

Non Standard Timings:

New Year's Eve – 19:00 to 01:00

- 7.4 The Planning Authority responded to the application to confirm that the premises does not have planning permission to be an entertainment venue to host events such as weddings/private functions, and will need to make an application for the appropriate permission prior to operating.

**8. Objections received (Other Persons)**

- 8.1 Seven representations have been received from other persons, who have concerns principally in respect of public nuisance, crime and disorder and public safety. Those concerns relate primarily to noise nuisance which may be caused by the types of events held at the premises and potential safety issues with regards to patrons driving to and from the premises and the lack of public transport access. Those making representations have also raised concern that the addition of this premises to the locality could result in increased levels of crime and disorder.

- 8.2 The applicant has indicated that they wish to continue with the application as detailed above. No 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 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 section 6 and 7 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**

Cllrs Gwilym Butler & Madge Shingleton

### **Appendices**

Appendix A – Location Plan