

SHOPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 15 May 2014
10.00 am - 12.17 pm in the Shrewsbury Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies
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Present

Councillors Vernon Bushell, Roger Hughes and Keith Roberts

1 Election of Chairman

RESOLVED:

That Councillor Keith Roberts 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 Variation of a Premises Licence

Consideration was given to an application for a Variation of a Premises Licence in respect of St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ.

Ms L. Prince (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer – Specialist), Mr B. Smith (Joint Applicant), Mrs S. Smith (Joint Applicant), Councillor A. Bannerman (Local Member), Mr G. Fergusson (Interested Party), Mr S. Shamash (Interested Party), Mr M. Reekie (Interested Party), Mr J. Bellak (Interested Party), Mr D. Clarke (Interested Party), Mr D. Jenkins (Interested Party), Mr D. Waterhouse (Interested Party) and Mrs V. Waterhouse (Interested Party) were present.

The Applicants, Mr B. Smith and Mrs S. Smith presented the case to the Sub-Committee. The applicants responded to the objections received from local residents and stated that no complaints had been registered with Public Protection. The applicants explained that they were members of Shrewsbury Pubwatch, had installed CCTV and employed door supervisors despite these not being conditions of their premises licence. A statement from the Shrewsbury Pubwatch Chairman, read out by Mr B. Smith was circulated to the Sub-Committee.

In response to questions from the Public Protection Officer (Specialist), the Local Member, Interested Parties and Members of the Sub-Committee, the applicants confirmed that:

- The Variation application would increase the opening hours of the café by 4 hours per week;
- The additional opening hours would be on a Friday and Saturday and at present they did not intend to increase the opening hours in the week;
- They employed two door supervisors, one working inside the premises and one outside;
- The door supervisors were responsible for checking ID, checking capacity, ensuring that there was no nuisance caused and that the premises was kept clean and tidy;
- If there was a large event held in the week door supervisors would be employed;
- They would be happy to discuss problems with residents in person;
- The only complaints received had been through the Landlord;
- Public Protection Officers had visited the premises and had no concerns;
- Some of the nuisance issues raised might be caused by customers from other licensed premises;
- Signs were displayed asking customers to leave the premises quietly;
- They were willing to look into installing secondary double glazing and air conditioning;
- The application requested food to be served until 1.30 a.m. but alcohol would not be served after 1 a.m. to include 30 minutes 'drinking up time';
- Public Protection had not undertaken any noise monitoring as no complaints had been received; and
- The original application had been amended from 2.00 a.m. /2.30 a.m. on the advice of the Police.

The Public Protection Officer (Specialist) 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. He added that an application was still valid if the hours requested were reduced as they had been in this application.

In response to questions from the applicants and Interested Parties, the Public Protection Officer (Specialist), confirmed that:

- The Council employed two 'out of hours' officers who were able to deal with concerns in relation to licensed premises;
- The Council had only received one complaint in relation to the premises; and
- There was no information logged in relation to the concerns raised by interested parties.

Mr Bellak, on behalf of the Interested Parties, addressed the Sub-Committee outlining the concerns that had been raised by local residents. He outlined the issues that the premises caused for local residents and explained that the situation was already a problem and this would increase if the variation application was granted.

Mr A. Bannerman (Local Member) addressed the Sub-Committee on behalf of local residents stating that although he was in support of the local economy, the success of the night time economy had come at a price for local residents. He suggested that further safeguards should be explored before the application was granted to ensure there was a balance between residents and businesses.

In response to questions from the applicant, the Local Member confirmed that:

- He was aware that there were other licensed premises in the area but stated that there had to be a balance between businesses and the amenity of residents;
- The whole Town Centre was becoming part of the night time economy; and
- He accepted that it was not just this application that would cause the problem and referred to a cumulative impact.

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 11.38 a.m. and reconvened at 12.15 p.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ be granted for the following days, hours and licensable activity:

Sale of Alcohol on the premises

Mon – Thurs 10.00 - 00.00

Fri – Sat 10.00 – 00.00

Sun 10.00 - 23:00

Late Night Refreshment indoors

Mon – Thurs 23.00 - 00.00

Fri – Sat 23.00 – 00.30

Live Music indoors

Mon – Sat 10.00 – 00.00

Sun 11.00 – 16.00

Recorded Music indoors

Mon – Thurs 10.00 - 00.00

Fri – Sat 10.00 – 00.00

Sun 11.00 - 23:00

Opening hours

Mon – Thurs 09.00 - 00.00

Fri – Sat 09.00 – 00.30

Sun 09.00 - 23:00

And in accordance with the following operating schedule:

Prevention of Crime and Disorder

1. Digital colour CCTV to main areas of the premises (including all points of access, egress and public areas) operating and recording at all times when licensable activities are taking place. Images retained for a minimum of 31 days and made available in a viewable format to the Police and Licensing Authority on request.
2. Member of Shrewsbury Shop and Pub Watch.
3. SIA Door staff from 19.00 until close at weekends, Bank Holidays and special events. The door staff to monitor/restrict access and generally observe clientele whilst inside.
4. Staff training on the licensing objectives, Challenge 25, emergency and general safety precautions, refreshed at least annually. Training records kept/updated and available to responsible authorities on request.

Public Safety

1. Maximum occupancy 150. Clicker system in place.
2. One qualified first aider on the premises whenever regulated entertainment takes place.

Prevention of Public Nuisance

1. Windows and doors closed during regulated entertainment and during busy periods.
2. Leave quietly notices at entrances/exits requesting customers to leave quietly and respect the neighbours.
3. Speakers moved away from walls adjacent to residential properties.
4. No emptying of bottle, bins and rubbish between 22.00 and 08.00.
5. Entrances have lobbies and automatic door-closers.
6. Door staff to seek to ensure customers on leaving the premises at night do so in an orderly manner.

Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Proof of ID by passport, photo card driving licence and/or Citizen card.
3. Children below the age of 18, excluded from premises at 19.00.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing and were satisfied that the application satisfactorily promoted the licensing objectives with the exception of the times which had been requested. The Sub-Committee heard the concerns from the local residents about the level of disruption that was experienced due to the current opening times of the premises, in particular the noise from music and customers leaving the premises and did not consider it was reasonable for such disruption to continue so much later in the evening. The Sub-Committee therefore considered that it was appropriate to limit the extended opening hours to those detailed above. The matters set out in the operating schedule (detailed above) were to be made

conditions on the licence. The setting of these conditions was an appropriate and proportionate measure to take for the furtherance of the licensing objectives.

Signed (Chairman)

Date: