

**MINUTES OF THE LICENSING ACT SUB-COMMITTEE MEETING HELD ON  
MONDAY 27 MAY 2014 IN THE LUDLOW ROOM, SHIREHALL, SHREWSBURY**

10:00 a.m. – 12.20 p.m.

**Responsible Officer** Amanda Holyoak  
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Councillors: Joyce Barrow  
Peter Cherrington  
Andrew Davies

**4. ELECTION OF CHAIRMAN**

**RESOLVED:**

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

**5. 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

**6. APPLICATION FOR A PREMISES LICENCE**

Consideration was given to an application for a Premises Licence in respect of Cromwell's Inn, Dogpole, Shrewsbury,

Ms L. Prince (Solicitor – Shropshire Council), Mrs K. Roberts (Public Protection Officer - Specialist), Mr R and Mrs K Avery (Applicants), Mr D Finney (Manager of Cromwell's Inn) Councillor A Bannerman (Local Member), Mr J Simblett (Local Resident), Mr and Mrs Richardson (Local Residents) Mr and Mrs Cameron-Tomaszewski (Local Residents) were present.

Mr Avery (The Applicant) presented the case to the Sub-Committee. Mr Avery responded to the objections received from local residents and confirmed that the business would operate in accordance with the Licensing Objectives.

In response to questions from the Sub-Committee and Interested Parties, the applicant confirmed that:

- The current licence allowed the premises to be open 24 hours a day and included the garden with alcohol on sale until 23:00 Monday to Saturday and 22:30 on Sunday, and unregulated activity was permitted in the garden 24 hours a day;
- It was a respectable premises with no history of trouble from its clientele. There had not been any complaints made about the premises since June 2010;
- The new licence allowing sale of alcohol until 1.00 am. was being made to stabilise the business as the hotel aspects of the business were not working;
- There had already been 10 occasions on which alcohol had been permitted for sale until 1.00 am;
- Clientele tended to be aged 50 plus during the day time and 35 plus in the evenings;
- It was intended to sell some form of food up until midnight;
- The application was for live and recorded music 12 noon to 1 am indoors, up to 11pm outdoors, but only 8.30 pm for amplified music outdoors;
- It was intended that the last customer would be allowed in at 12.45 am with a half hour drinking up time until 1.15 am;
- It was intended to offer hampers including wine up until 12.45 am, but would there was a willingness to end this service at 6pm if this was a cause for concern;
- It was not intended to change the style of the premises or clientele;
- The windows and doors would be closed at 11.00 pm;
- Although shielding the terrace could not be made part of the licensing conditions, the applicant would be willing to address this with trellising;
- There was no intention to make use of the existing licence, it would however be retained until the new commercial model had been proven;
- There was no intention of selling the business within the next 30 years;
- It was intended to have barbeques in the garden but if this caused a nuisance cooking could take place inside;
- There would be a willingness not to play music in the garden other than for sporadic pre-arranged events such as small weddings or private parties and there was a willingness to give notice for such events;
- An extra two hours would be conducive to a better exit of customers who would leave gradually rather than all together; and

- The entrance had CCTV cameras and notices about respecting neighbours. There was also a Local Authority CCTV camera located outside of the door.

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 13 representations had been received, most of which had been resolved.

In response to questions from the Local Member, the Public Protection Officer (Specialist), confirmed that:

- It was possible for a premises to hold more than one licence at any one time;
- The applicant had been advised to apply for a new one, rather than vary the existing licence as, if it was refused, they would still retain their existing licence;
- The original 24 hour licence had applied to all customers, not just residents of the hotel. Whatever the background and history of the original licence which would have been awarded by magistrates, the original licence would remain valid; and
- It was not possible to make a condition of the new licence that the old one be relinquished. Both licences would be subject to an annual fee and review.

Mr Richardson, on behalf of the Interested Parties, addressed the Sub-Committee outlining the concerns that had been raised by local residents.

- The applicant and Committee Members agreed to the circulation of a plan which showed the area of the elevated terrace was larger than shown on the map originally circulated;
- There had been recent enlargement of the yard and the flat roof and the noise from the terrace travelled further than noise generated in the yard;
- The proximity of housing to the yard, with his own bedroom window overlooking the yard;
- If the new licence was approved, the resulting noise could be deemed an invasion of privacy and a nuisance under the Environmental Protection Act 1990; and
- The proposals would alter the character of the area and the residents asked for end of alcohol sale at 11pm, no live or amplified music outside, indoor music only with doors and windows closed, and outside areas closed at 21:30.

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, and that the applicants were reputable and business-like, the granting of the new licence would result in a blurring of the distinction between the evening and night time economy.

- He stated that young people moved around the town drinking at different establishments until 3 to 4 am in the morning. He felt that this night time economy should be centred on the West End of the Town Centre at the Buttermarket and C21 on the other side;
- The tightly packed buildings in this part of the town centre amplified noise and residents would move out from the town centre if they were constantly disturbed as had happened in the centre of other town; and
- He asked about the Committee to recognise the difference between the evening and night time economy.

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

- He was requesting that the yard and terrace be shut at 9.30 pm;
- He appreciated the value of business to the town centre but felt this application was pushing the boundaries of this part of the town into the night time economy, which was not suitable for this part of the town; and
- He said he was representing the views of constituents who had contacted him regarding the application rather than presenting his own personal view.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

The Public Protection Officer said that having heard from all present and considered written submissions that it was now possible to determine the application. She considered the application to be appropriate and reasonable and confirmed that it met the four licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The objectors felt that commercial reasons was not an acceptable reason for granting a new licence and that local residents who currently preserved the amenity

of historic town centre housing might be discouraged from living in the town centre and fulfilling this role.

The applicants drew attention to the fact that there were no problems around the existing operation. Cromwells had to adapt but were willing to close the garden at 11.00 pm even though it was not required to under the existing license. Closing the garden at 9.30 am would have a disastrous impact on the business. The circumstances around 9.30 am in Butcher Row were not comparable. Steps would be taken to minimise impact of any noise and if any problems arose they had already demonstrated that they would listen and act on these. There had been no issues with the temporary licenses and no objections to these. Advice from West Mercia Police, the Council Licensing Team and Fire Service had all been taken on board and addressed.

Members of the Sub- Committee retired to consider the application, in private, at 12.10 pm and reconvened at 12.20 pm. to announce their decision.

**RESOLVED:**

That the application for a variation of a premises licence for Cromwell's Inn, 11 Dogpole, Shrewbury, SY1 1EN be granted for the following days, hours and licensable activity:

**Films – indoors**

Mon – Sun 12:00 – 00:30

**Live Music - indoors**

Mon – Sun 12:00 – 01:00

**Live Music – outdoors**

*Non-amplified live music for private events only*

12.00 – 23:00

**Recorded Music – indoors**

Mon – Sun 09:00 – 01:00

**Late Night Refreshment indoors**

Mon – Sun 23.00 - 01.00

**Supply of Alcohol on and off the premises**

Mon – Sun 10.00 - 00.45

**Opening hours**

Mon – Sun 07.00 - 01.15

(For Xmas Eve and New Year's Eve end time for opening and all licensable activities 03:00)

And in accordance with the following operating schedule:

Prevention of Crime and Disorder

1. Colour digital CCTV system operational at all times when licensable activities are taking place. Recordings maintained for 90 days and made available to responsible authorities in a viewable format upon request thereof.
2. The premises has a panic alarm.
3. Incident log maintained and made available to responsible authorities upon request.
4. Off sales of alcohol limited to closed bottles.
5. Staff training in use of CCTV.
6. Member of Shrewsbury pubwatch.

Public Safety

1. Professionally installed and maintained fire alarm.
2. First aid kits and fire extinguishers available.

Prevention of Public Nuisance

1. The garden to be closed to the public at 23.00, with all lights in the garden extinguished at that time, save for emergency lighting.
2. Rear windows and rear door closed at 23.00.
3. Signage at front exit door requesting customers to leave quietly.
4. Recorded or amplified music not to be played in the garden or terrace.
5. The playing of music in the garden or terrace to be limited to live non amplified music at private events only.
6. A wall mounted ashtray fixed near to the front door.

Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Challenge book maintained and made available to responsible authorities on request.

3. Proof of ID by passport, photo card driving licence and/or PASS approved photo card.
4. Signage at points of sale.

**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. The Sub-Committee heard the concerns from the local residents about potential nuisance that might be caused by increasing the hours currently permitted: by customers leaving the premises; by the noise emanating from within; the use of the garden and first floor terrace area; and proposed hours of trading. The Sub-Committee therefore considered that it was appropriate that recorded or amplified music should not be played in the garden or terrace and the playing of music in the garden or terrace be limited to live non amplified music at private events only. 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.