



| <u>Committee and Date</u> | <u>Item</u> |
|----------------------------------|-------------|
| Licensing Sub-Committee | 3 |
| Monday 11 th May 2015 | |
| 10.00 am | |
| | Public |

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a variation to a Premises Licence.

Premises: Kings Head, 205 Shrewsbury Road, Market Drayton, Shropshire, TF9 3EH. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a variation of a premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is 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 Variation of a Premises Licence for Kings Head, 205 Shrewsbury Road, Market Drayton, Shropshire, TF9 3EH.

6. Background

6.1 Marson's Plc, the Premises Licence holder, has made an application for variation of a Premises Licence.

6.2 The existing Premises Licence (attached at Appendix B) permits the following:-

Films, Indoor Sport, Live/Recorded Music, Performance of Dance (all indoors) and Sale of Alcohol on/off the premises

Mon – Sat 11.00 – 00.00

Sun 11.00 – 23.30

Late Night Refreshment indoors

Mon – Sat 23.00 – 00.00

Sun 23.00-23.30

Opening hours

Sun-Thu 11.00 – 00.00

Fri-Sat 11.00 - 01:00

- 6.3 The variation application seeks to amend the hours for licensable activities on Fri/Sat with a terminal hour of 01.00. Further, for the opening hours to allow a 30 minute period at termination of activities, as follows:-

Opening hours

Mon-Thu 11.00 – 00.30

Fri-Sat 11.00 – 01.30

Sun 11.00 - 00:00

The application seeks the deletion of the following conditions:-

“General

The pub is owned by Joules Brewery Limited.

Joules Brewery only operates traditional pubs of high quality directed towards a mature 25-50+ age group. As a small company of 19 pubs we ensure each pub is pro-actively managed and has proper management input from head office. Management have an in depth knowledge of each and every pub within the group.

The standard if the Joules Brewery estate us high. The premises are only operated by individual experienced in the licensed trade, with a maturity of attitude and years. They are well trained and have high standards of retailing, health, safety, hygiene and security and have a responsible regard for the community and the law.

Outlined below are some of the critical standards complied with by the current licensee/proposed designated premises supervisor. On a general point the Premises Supervisors or some responsible person nominated by him/her will be on the premises and in charge for the whole time they are open to the public.

Overall, the appeal of this pub is its quality in terms of its decor, retailing standards and safety. It appeals to the wider community, particularly the 25 plus age group as a result it does not have a record of disorder and this approach is intended to continue.

Prevention of Crime & Disorder

2. OPEN BOTTLES

No persons carrying open bottles shall be admitted to the premises at any times that the premises are open to the public.

3. ALCOHOLIC DRINKS

Alcoholic and other drinks may not be removed from the premises in open containers.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

CONDITIONS AGREED BY CONSENT AT A MEETING ON 18 AUGUST 2005

3. Customers are not allowed to leave the premises with open containers i.e. glasses that might cause nuisance to residents.”

- 6.4 For variation applications, 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, in place of the removed conditions referred to above:-

Prevention of Crime and Disorder

Alcoholic drinks may not be removed from the premises in open containers except to areas within the control of the licence holder.

No customers carrying open bottles will be allowed into the premises at any times that the premises are open to the public other than those with drinks purchased at the premises for consumption in areas within the control of the licence holder.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

- 8.1 One representation has been received from other persons, who have concerns in respect of crime and disorder, public nuisance, public safety and protection of children from harm. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise from music and customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.

- 8.2 The applicants have indicated that they wish to continue with the application as detailed above.

- 8.3 The representation has 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 application
- To grant the application with (or without) conditions in full (or in part)

- 9.2 If the application is to be granted in line with the submitted operating schedule then replacement conditions detailed in paragraph 6.4.1 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 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copy of representation received.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

David Minnery
Roger Hughes

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence PL/SC019059