



Licensing Act Sub-Committee

Monday 18th May 2015

10.00 a.m.

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

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

1.1 To consider an application for a review of a Premises Licence.

Premises: Ashleys Wine Bar 9 Shoplatch Shrewsbury SY1 1HF. A location plan is attached to the report as Appendix A.

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

1.3 The application has been accepted as a valid application. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

1.4 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.

1.5 After considering all the relevant issues the licensing authority may:-

- take no further action
- issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
- modify conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

- 1.6 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.
- 1.7 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

- 2.1 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, licence holder and the parties/authorised bodies making relevant representations.
- 2.2 That the Sub-Committee determines the application in accordance with the options in paragraph 7.
- 2.3 That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

- 3.1 The Committee is required to consider the consequences of any action on the applicant's human rights.

4. Financial Implications

- 4.1 None.

5. Purpose of Report

- 5.1 To consider an application for a review of the Premises Licence for Ashleys Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF.

6. Background

- 6.1 Mr S Harbord-Suffield and Mrs L Whitaker have made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance Licensing Objectives.
- 6.2 The application is supported by evidence dating from February 2014 to March 2015 of issues encountered by the applicants with the premises. A number of witness statements were produced with the application.
- 6.3 The current Premises Licence was issued on 30th June 2010. The Premises Licence holder and designated premises supervisor is Mr Ashleigh Davies.

6.4 During the consultation period 25 representations have been received:

- One representation is from Shropshire Council's Public Protection Service in its capacity as a Responsible Authority for Public Safety and Public Nuisance.
- Two representations are in support of Ashleys Wine Bar and its current Licence Holder/DPS.
- The remaining twenty two are from interested parties and are in support of the review application with the principal concerns being public nuisance and public safety.

6.5 The representations have not been withdrawn.

6.6 During the consultation period additional documents have been provided by Mr Ashley Davies in response to the review application. These documents include letters/statements supporting Mr Davies.

7. Options for Consideration

7.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- take no further action
- issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
- modify conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

7.2 Members of the Sub-Committee should be advised that the applicant, licence holder 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.

8. Standard of Decision Making

8.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for a review of a Premises Licence have to be determined by this Sub-Committee.

8.2 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

- 8.3 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.
- 8.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder 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 (March 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form, copies of representations, submissions by licence holder and associated papers

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

Andrew Bannerman

Appendices

Appendix A – Location Plan

Appendix B – Current Licence PL/SC1223