



Licensing Act Sub-Committee

Monday 13<sup>th</sup> July 2015 at

10am

Item

**3**

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 new Premises Licence.

Premises: Bar Seven & Attic, 8 Broadway, Shifnal, Shropshire, TF11 8AZ. 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 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 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 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 Bar Seven & Attic, 8 Broadway, Shifnal, Shropshire, TF11 8AZ.

### **6. Background**

6.1 Mr Simon Paul Moxham, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

#### **Recorded Music - indoors**

Monday to Thursday – 11:00 to 01:00

Friday to Sunday - 11:00 to 02:00

Xmas Eve - 11:00 to 02:00

#### **Late Night Refreshment – indoors**

Monday to Thursday – 23:00 to 01:00

Friday to Sunday – 23:00 to 02:00

Xmas Eve - 23:00 to 02:00

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

Monday to Thursday – 11:00 to 01:00

Friday to Sunday - 11:00 to 02:00

Xmas Eve - 11:00 to 02:00

### **Opening Hours**

Monday to Thursday – 11:00 to 01:30

Friday to Sunday - 11:00 to 02:30

Xmas Eve - 11:00 to 02:30

### **Non-standard timings**

End time on New Year's Eve is start time on New Year's Day for opening and all activities (save late night refreshment 05:00 on New Year's Day).

- 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. The applicant has indicated that the following steps would be taken.

#### **6.2.1 Prevention of Crime and Disorder**

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering all of the entrance doors and the main alcohol dispensing area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 28 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request,.
4. The system must be able to export recorded images to a removable means eg CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public.
6. The system will display, on any recording, the correct date and time of the recording

#### **6.2.2 Public Safety**

1. REGULAR RISK ASSESSMENTS ARE MAINTAINED AND RECORDED.
2. ACTION WILL BE TAKEN TO CONTROL ANY HAZARDS THAT MAY BE IDENTIFIED
3. FIRE SAFETY CHECKS WILL TAKE PLACE REGULARLY AND BE RECORDED.
4. FIRE FIGHTING EQUIPMENT WILL BE MAINTAINED AND REGULARLY SERVICED.
5. ADEQUATE LIGHTING SYSTEMS ARE INSTALLED

#### **6.2.3 Prevention of Public Nuisance**

1. ANY ISSUES OF PUBLIC NUISANCE WILL BE ADDRESSED AND DEALT WITH WHENEVER NECESSARY.

2. CUSTOMERS WILL BE ASKED TO LEAVE THE PREMISES QUIETLY.
3. LIASE WITH AUTHORITIES AND LOCAL RESIDENTS TO RESOLVE ANY ISSUES OF PUBLIC NUISANCE THAT MAY ARISE.

#### 6.2.4 Protection of Children from Harm

1. A STRICT CHALLENGE 25 POLICY IS IN OPERATION AND ONLY A PASSPORT, PHOTOCARD, DRIVING LICENCE OR PASS ID WITH HOLOGRAM IS ACCEPTABLE PROOF OF AGE.
2. A RECORD OF SERVICE REFUSALS WILL BE MAINTAINED AND WILL BE MADE AVAILABLE FOR INSPECTION BY THE POLICE AND OTHER AUTHORITIES UPON REQUEST.
3. ALL STAFF ARE TRAINED TO PROMOTE THE LICENSING OBJECTIVES AND CARRY OUT THEIR STATUTORY RESPONSIBILITIES IN RELATION TO PUBLIC SAFETY.
4. TRAINING RECORDS WILL BE MAINTAINED AND MADE AVAILABLE FOR INSPECTION BY AUTHORITIES IF REQUIRED.

- 6.3 The premises currently has the benefit of a Premises Licence (PL/SC/15/01683) which authorises all of the activities applied for in the application with the hours: Mon-Thu 12:00-01:00 Fri-Sun 12:00-02:00 Xmas Eve end 02:00. The opening hours are Mon-Thu 12:00-01:30 Fri - Sun 12:00-02:30 Xmas Eve end 02:30. The same New Year's Eve hours apply to that Licence, as per the current application. The applicant is the current designated premises supervisor under that Licence.

### 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 principally of crime and disorder and public nuisance. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise/disturbance from customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.
- 8.2 The applicant has indicated that he wishes 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 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 paragraphs 6.2 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. Current Licence.

Copy of representation received.

**Cabinet Member (Portfolio Holder)**

Cllr M Price

**Local Member**

Cllr Kevin Turley

**Appendices**

Appendix A – Location Plan

Appendix B – Existing Licence