

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Wednesday, 7 May 2014

**Committee:**  
**Licensing Act Sub-Committee**

**Date: Thursday, 15 May 2014**

**Time: 10.00 am**

**Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire,  
SY2 6ND**

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of Licensing Act Sub-Committee**

Vernon Bushell

Roger Hughes

Keith Roberts

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 252719

Email: [Shelley.davies@shropshire.gov.uk](mailto:Shelley.davies@shropshire.gov.uk)

# **AGENDA**

**1 Election of Chairman**

To elect a Chairman for the duration of the meeting.

**2 Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have 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 (Pages 1 - 14)**

Premises – St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ.



Licensing Act Sub-Committee

Thursday 15<sup>th</sup> May 2014

10.00 a.m.

Item

**3**

Public

## LICENSING ACT 2003

### APPLICATION FOR A VARIATION OF A PREMISES LICENCE

**Responsible Officer** Simon Ditton, Public Protection Officer (Specialist)  
e-mail: [licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk) Tel: 0345 6789026

#### 1. Summary

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

Premises: St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ. 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 St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ

### **6. Background**

6.1 Mr and Mrs Ben Smith, the Premises Licence holders, have made an application for variation of a Premises Licence.

6.2 The existing Premises Licence (attached at Appendix B) permits the sale of alcohol for consumption on the premises Mon – Sun 11.00-23.00, the playing of recorded music indoors (and opening) Mon - Sun 08:30-23.00 and on New Year's Eve the terminal hour for opening/alcohol sale/recorded music is 02.00 the following day, (with late night refreshment indoors permitted from 23.00-02.00 on New Year's Eve).

6.3 The applicants have requested to amend the licence to permit:-

**Sale of Alcohol on the premises**

Mon – Thurs 10.00 - 00.00

Fri – Sat 10.00 – 01.00

Sun 10.00 - 23:00

**Late Night Refreshment indoors**

Mon – Thurs 23.00 - 00.00

Fri – Sat 23.00 – 01.30

**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 – 01.30

Sun 11.00 - 23:00

**Opening hours**

Mon – Thurs 09.00 - 00.00

Fri – Sat 09.00 – 01.30

Sun 09.00 - 23:00

Following comments made by West Mercia Police the applicants have amended the hours requested on the application (which are detailed as above).

- 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.

6.4.1 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.

6.4.2 Public Safety

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

**6.4.3 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.

**6.4.4 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.

**7. Objections Received (Responsible Authorities)**

None.

**8. Objections received (Other Persons)**

8.1 Thirteen representations have 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 representations have 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 conditions detailed in paragraphs 6.4 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 (June 2013).  
 The Licensing Act 2003 (Hearings) Regulations 2005.  
 Application form and associated papers.  
 Copies of representations received.

**Cabinet Member (Portfolio Holder)**

Cllr S Charmley

**Local Member**

Cllr A Bannerman

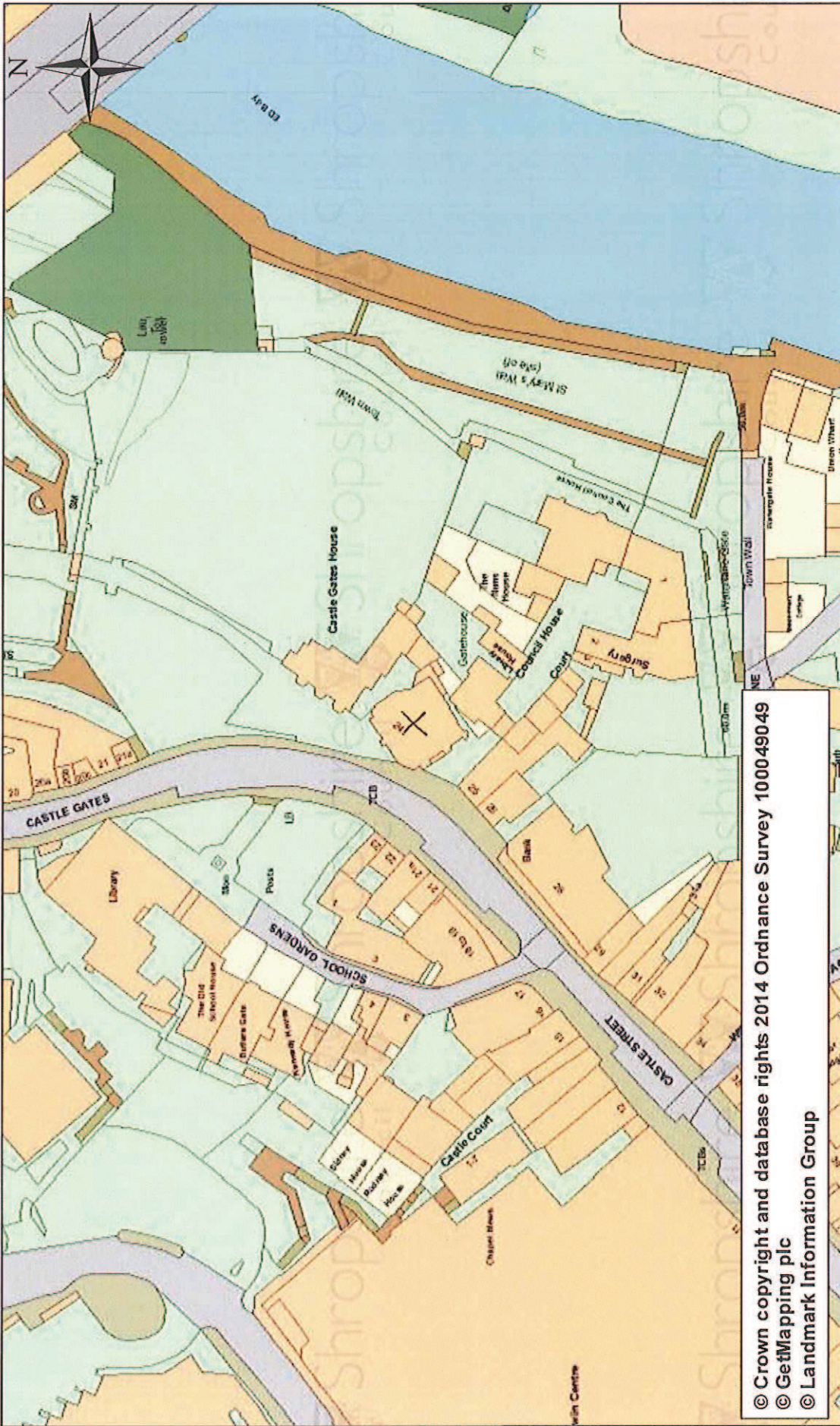
**Appendices**

Appendix A – Location Plan

Appendix B – Current Premises Licence PL/SC23448

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**St Nicholas Cafe** X



Date: 15/04/2014

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# Premises Licence WITH Alcohol

Licensing Act 2003

## PL/SC23448

This Licence is Issued by



Licensing Team  
Public Protection  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire SY2 6ND

web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)  
Tel.: 0345 678 9026

### Part 1 - Premises Details

#### Postal Address of Premises, or if none, Ordnance Survey Map Reference or Description

St Nicholas Cafe  
24 Castle Street, Shrewsbury, Shropshire, SY1 2BQ

Where the licence is time limited, the dates - Not Applicable

#### Licensable activities authorised by the licence:

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

#### The Opening Hours of the Premises

Mon - Sun 08:30-23:00  
Non-standard timings for opening and all licensable activities  
End time on New Year's Eve is 02.00 on New Year's Day

#### The times the licence authorises the carrying out of licensable activities

Recorded Music	Mon - Sun 08:30-23:00
Indoors	
Late Night Refreshment	New Year's Eve 23.00 - 02.00
Indoors	
Supply of Alcohol	Mon - Sun 11:00-23:00

**Where the Licence Authorises Supplies of Alcohol whether  
these are on and/or off Supplies**

On Premises

**Part 2**

**Name, (Registered) Address, Telephone Number and eMail (Where Relevant)  
of Holder of Premises Licences**

Mr Ben Smith and Mrs Stephanie Smith

**Registered Number of Holder, For Example Company Number, Charity  
Number (Where Applicable)**

**Name, Address and Telephone Number of Designated Premises Supervisor Where the Premises Licence Authorises  
the Supply of Alcohol**

Miss Sarah Elizabeth Trow,

**Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor Where  
the Premises Licence Authorises for the Supply of Alcohol**

Licence No.: PA/SC 028039

Issued by: Shropshire

## Annexes

### Annex 1 - Mandatory Conditions

#### For the supply of alcohol

No supply of alcohol may be made under the premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

#### Mandatory Drinks Code Conditions

1. The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:

(i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol,

identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the operating schedule**

### **Prevention of Crime & Disorder**

The premise will be a member of the local Pubwatch scheme.

### **Public Safety**

1. Risk assessments in place and regularly reviewed with staff receiving full training;

2. All staff will read and complete the Health & Safety employee handbook and receive ongoing training;

3. There will be a qualified first aider on the premises whilst open and an accident book will be kept to log any incidents that occur.

### **Prevention of Public Nuisance**

1. Deliveries and collections to and from the premises will only be made between the hours of 08:30 and 17:30;

2. A notice will be displayed at the exit advising all customers to leave the premises quietly;

3. Any windows opened during the summer will be closed by 19:00 hours.

### **Protection of Children From Harm**

1. A 'Challenge 25' Policy in place;

2. Children will only be allowed on the premises if accompanied by an adult.

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

Not applicable

## **Annex 4 – Plans**

Drawing Dated: 29 FEB 2012

# Premises Licence WITH Alcohol Summary

Licensing Act 2003

# PL/SC23448

This Licence is Issued by



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Public Protection  
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Abbey Foregate  
Shrewsbury  
Shropshire SY2 6ND

web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)  
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