

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

Date: Monday, 8 December 2014

**Committee:
Licensing Act Sub-Committee**

Date: Tuesday, 16 December 2014

Time: 9.30 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

Peter Cherrington

Keith Roberts

Andrew Davies

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 252726

Email: emily.marshall@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 an Expedited Review of a Premises Licence - The Blue Boar, 52 Mill Street, Ludlow. (Pages 1 - 16)

Report of the Public Protection Officer (Specialist) is attached, marked 3.
Contact Simon Ditton on 0345 6789026



Licensing Act Sub-Committee

Tuesday 16th December 2014

Shrewsbury Room

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

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

1. Summary

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

Premises: Blue Boar, 52 Mill Street, Ludlow, SY8 1BB. 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 premises licence.

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.

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:-

- 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

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, licence holder and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 7.

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 any action on the licence holder's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for an expedited review of the Premises Licence for the Blue Boar, 52 Mill Street, Ludlow, SY8 1BB.

6. Background

6.1 West Mercia Police have made an application for an expedited review of a Premises Licence on the grounds that operations at the premises undermine the Prevention of Crime and Disorder Licensing Objective. The application is supported by evidence of two incidents of crime/disorder which related to the premise and which took place last month.

6.2 The Premises Licence was first granted on 24th November 2005. The Premises Licence holder is Punch Taverns plc. Following the consideration of

interim measures by the Council, it was determined on 26th November 2014 that the previous designated premises supervisor Mr Alan Ebbon be removed as the supervisor, effective at the end of 11.59 pm on 27th November 2014. There is currently no supervisor in place and the premises has been closed since that date.

- 6.3 The application refers to an incident which took place on 7th November 2014 where customers from the premises were involved in an alleged wounding/serious assault outside the premises. A glass allegedly from the premises was used as a weapon. Three people were arrested and are on Police bail following the incident.
- 6.4 Thereafter on 16th November 2014 a customer in the premises suffered a fractured skull having been allegedly heavily intoxicated at the time. The customer had been the subject of a single punch from another customer and had fallen back cracking his skull. The person who through the punch is on Police bail.
- 6.5 Additional information has been received from the Police indicating a history of problems with the premises, which then culminated in the two incidents referred to previously.
- 6.6 During the consultation period, there have currently been nine representations from interested parties. One was in favour of the former supervisor. The other eight supported the grounds for the Review, with some of the representations from those interested parties suggesting there should be a reduction in the hours which the Licence currently authorises, along with amended conditions. (Any additional representations will be updated at the meeting).

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 (October 2014).
 The Licensing Act 2003 (Hearings) Regulations 2005.
 Application form and associated papers.
 Copies of the representations.
 Decision 26th November 2014.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

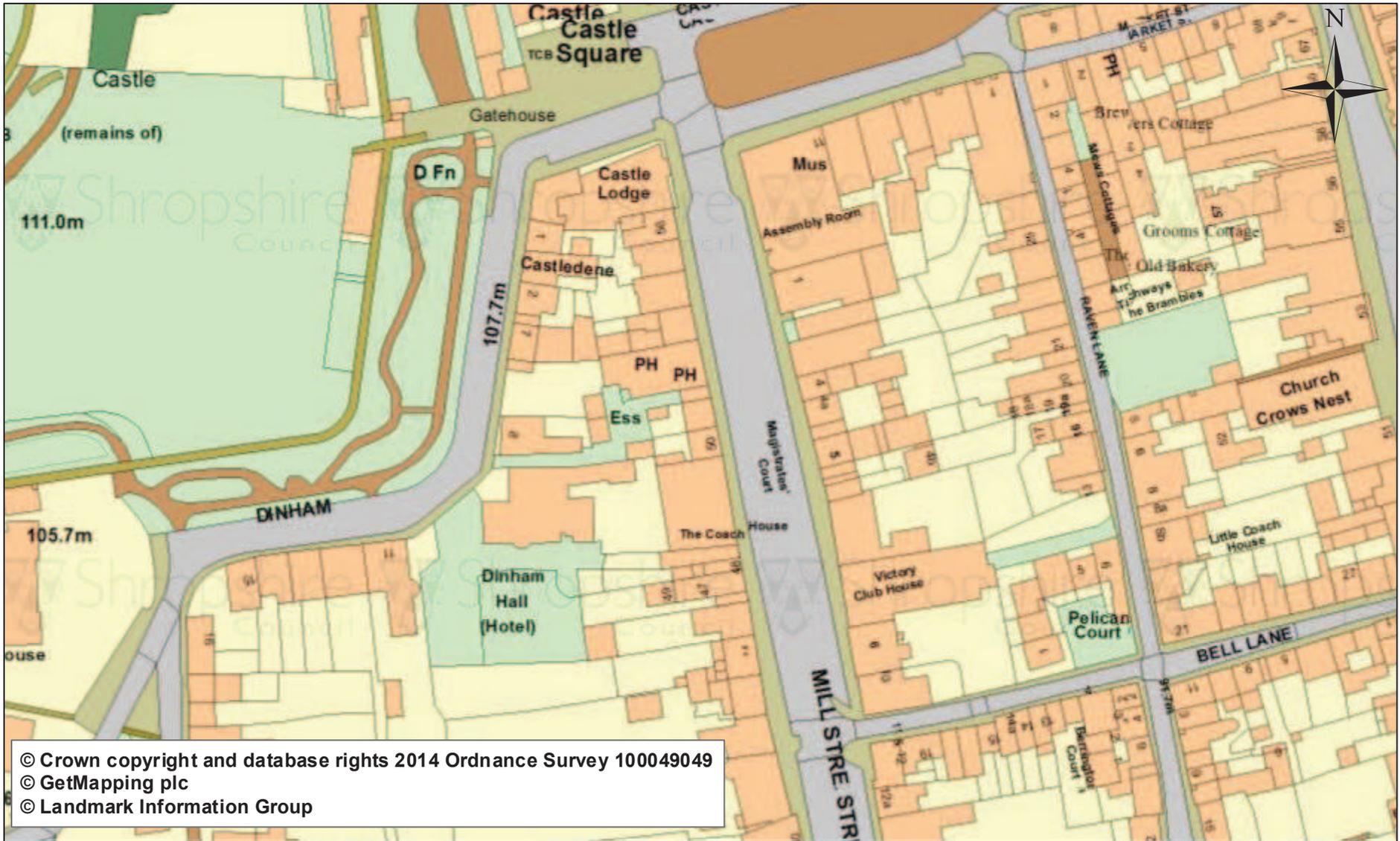
Local Member

Cllr A Boddington

Appendices

Appendix A – Location Plan

Appendix B – Current Licence



Blue Boar

This page is intentionally left blank

Premises Licence WITH Alcohol

Licensing Act 2003

PL/SC/14/04907

This Licence is Issued by



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

web: 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

Blue Boar Inn
52 Mill Street, Ludlow, Shropshire, SY8 1BB

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

Licensable activities authorised by the licence:

Plays , Live Music, Recorded Music, Supply of Alcohol

The Opening Hours of the Premises

Mon – Thu 11:00-00:00

Fri – Sat 11:00-00:30

Sun 12:00-00:00

Non-standard timings for opening and recoded music and supply of alcohol

On Fri/Sat/Sun/Mon on May/Spring/Whitsun and August Bank Holiday weekends, Thu/Fri/Sat/Sun/Mon of Easter Bank Holiday weekend, Xmas Eve, Boxing Day and each night of Ludlow Festival/Ludlow Food & Drink Festival/Ludlow Medieval Fair/Ludlow May Fair - an additional hour into the morning. End time on New Year's Eve is end time on New Year's Day.

The times the licence authorises the carrying out of licensable activities

Plays	Mon – Sat 11:00-00:00
Indoors	Sun 12:00-00:00

Live Music	Fri - Sat 11:00-23:00
Indoors	Limited to no more than 2 performers
Recorded Music	Mon – Thu 11:00-23:00
Indoors	Fri – Sat 11:00-00:00 Sun 12:00-22:30
Supply of Alcohol	Mon – Thu 11:00-23:00 Fri – Sat 11:00-00:00 Sun 12:00-22:30

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

On and Off Premises

Part 2

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

Punch Taverns plc

Jubilee House, Second Avenue, Burton Upon Trent,
Staffordshire, DE14 2WF

01283 501600

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

03752645

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

**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.:

Issued by:

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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, 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—

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must 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.

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Mandatory Price Conditions

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(a).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Paragraph 2 applies where the permitted price given by sub-paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

Prevention of Crime & Disorder

1. CCTV is in situ.

2. The premises has lighting in external areas.

Prevention of Public Nuisance

1. All windows to be lockable.

2. Customers instructed to leave in a responsible manner.

3. Fabric of building to retain sound.

Protection of Children From Harm

1. No unaccompanied children will be allowed on the premises.
2. No nudity, restricted film exhibition or striptease will be permitted on the premises.
3. The gaming machine is positioned to ensure that no children have access to it.
4. There is a designated no smoking area.

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

Following a hearing of the Licensing Sub- Committee on 15th September 2005 the following additional/amended conditions are attached to the Premises Licence

1. All patrons to be clear of the courtyard by 23.20 Monday to Saturday and 22.50 on a Sunday.
2. There will be no music or other entertainment in the courtyard area.
3. All live music will finish no later than 23.00.
4. Whilst music is playing, the front door and the windows will be kept closed.
5. The alleyway and the courtyard area will be swept daily.
6. Any patron seen leaving the premises via the Mill Street exit with glasses or open bottles will be requested to return to the inside of the premises immediately.
7. During live performances, performers will be requested to ask patrons to leave the premises quietly.
8. Signs will be placed in the courtyard and near to the inside exit onto Mill Street requesting patrons to leave quietly and to have respect for neighbours in the vicinity.
9. A contract shall be in place for the removal of rubbish at least weekly to avoid the build up of refuse.
10. Live music shall be permitted on Fridays and Saturdays only.
11. Recorded music, the supply of alcohol and openings hours on Thursday shall be consistent with the hours for these activities on Sunday to Wednesday.

Annex 4 – Plans

Plan dated 14.09.08.

Premises Licence WITH Alcohol Summary

Licensing Act 2003

PL/SC/14/04907

This Licence is Issued by



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

web: 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

Blue Boar Inn
52 Mill Street, Ludlow, Shropshire, SY8 1BB

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

Licensable activities authorised by the licence:

Plays , Live Music, Recorded Music, Supply of Alcohol

The Opening Hours of the Premises

Mon – Thu 11:00-00:00

Fri – Sat 11:00-00:30

Sun 12:00-00:00

Non-standard timings for opening and recoded music and supply of alcohol

On Fri/Sat/Sun/Mon on May/Spring/Whitsun and August Bank Holiday weekends, Thu/Fri/Sat/Sun/Mon of Easter Bank Holiday weekend, Xmas Eve, Boxing Day and each night of Ludlow Festival/Ludlow Food & Drink Festival/Ludlow Medieval Fair/Ludlow May Fair - an additional hour into the morning. End time on New Year's Eve is end time on New Year's Day.

The times the licence authorises the carrying out of licensable activities

Plays	Mon – Sat 11:00-00:00
Indoors	Sun 12:00-00:00

KLB

Page - 6 - of 7

Live Music	Fri - Sat 11:00-23:00
Indoors	Limited to no more than 2 performers
Recorded Music	Mon – Thu 11:00-23:00
Indoors	Fri – Sat 11:00-00:00 Sun 12:00-22:30
Supply of Alcohol	Mon – Thu 11:00-23:00 Fri – Sat 11:00-00:00 Sun 12:00-22:30

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

On and Off Premises

Part 2

Name, (Registered) Address, of Holder of Premises Licences

Punch Taverns plc

Jubilee House, Second Avenue, Burton Upon Trent,
Staffordshire, DE14 2WF

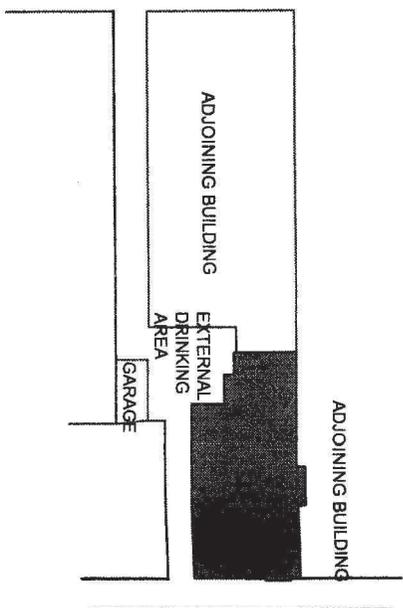
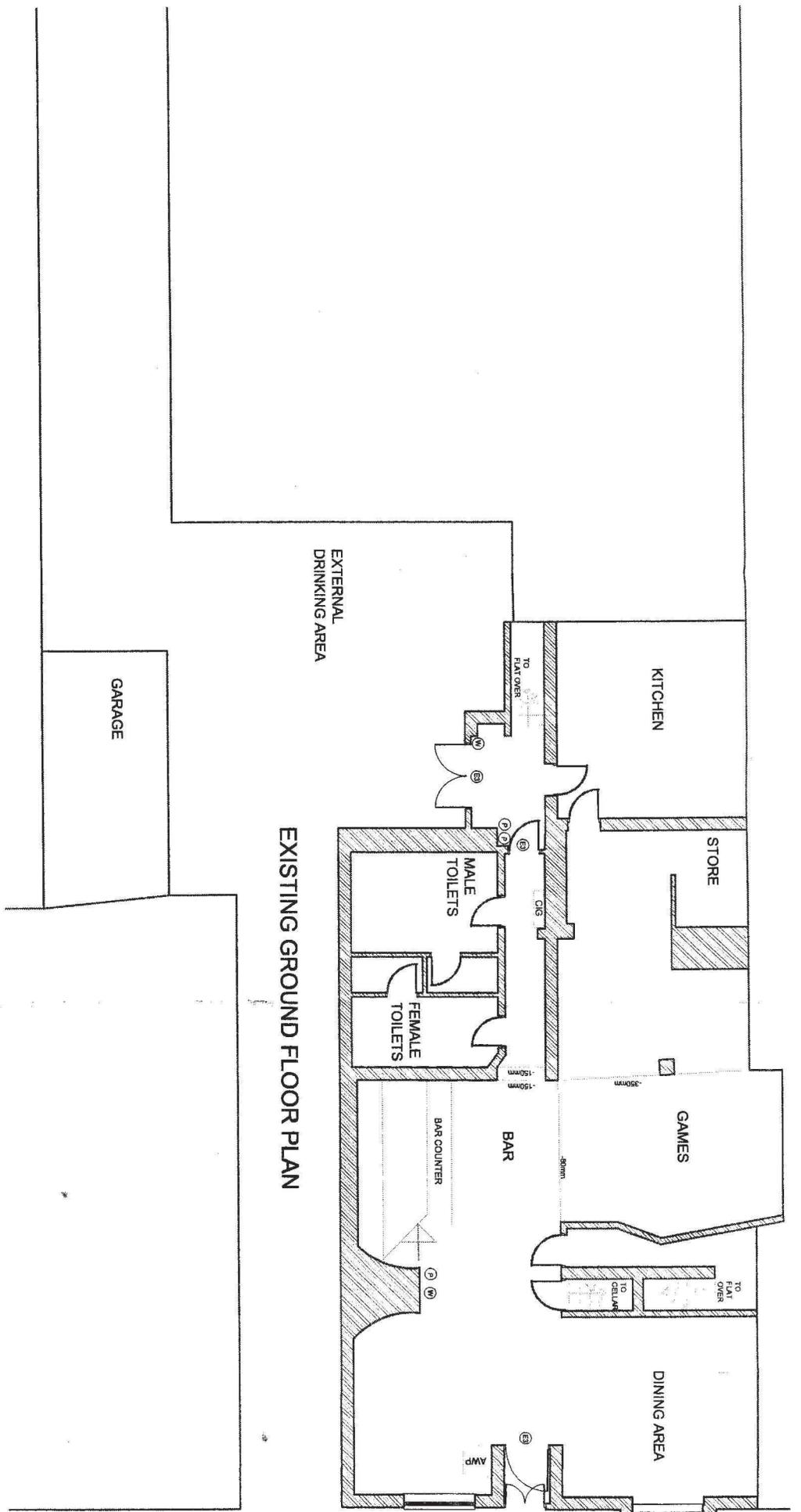
01283 501600

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

03752645

Name, of Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol

This page is intentionally left blank



This page is intentionally left blank