



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

Date: Tuesday, 25 August 2015

**Committee:  
Licensing Act Sub-Committee**

**Date: Wednesday, 2 September 2015**

**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 Adams  
Andrew Davies  
Michael Wood

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257717

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 Review of a Premises Licence - St Nicholas Bar and Cafe, Shrewsbury (Pages 1 - 16)**

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



Licensing Act Sub-Committee  
Wednesday 2<sup>nd</sup> September 2015  
9.30am

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](mailto:licensing@shropshire.gov.uk) Tel: 0345 6789026

#### 1. Summary

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

Premises: St Nicholas Café, 24 Castle Street, Shrewsbury, Shropshire, 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 review of 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 a review of the Premises Licence for St Nicholas Café, 24 Castle Street, Shrewsbury, Shropshire, SY1 2BQ.

### **6. Background**

- 6.1 Shropshire Council Public Protection, with responsibility for environmental health (the "Applicant"), has made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Prevention of Public Nuisance Licensing Objective. The application is supported by evidence of a series of issues with noise from music from the bar and anti-social behaviour people from congregating outside the premises.

- 6.2 The current Premises Licence was first granted on 11<sup>th</sup> April 2012 (Premises Licence Number PL/SC/14/00899). The Premises Licence holders are Mr Ben Smith and Mrs Stephanie Smith and the designated premises supervisor is Mr Philip Tracey.
- 6.3 The Applicant has been investigating complaints (from six neighbouring residential properties) of noise and public nuisance since May 2014. The complaints related to music noise from the bar and noise and anti-social behaviour from people congregating outside the premises, who were or had been using the premises.
- 6.4 The continuing noise nuisance issues at the site led to a noise abatement notice being served under the provisions of Part 3 of the Environmental Protection Act 1990 on 6<sup>th</sup> March 2015. This sought to prevent the occurrence of a nuisance by ceasing to hold musical entertainment, implementing an effective noise management plan or by any other means at the site to prevent the recurrence of a noise nuisance.
- 6.5 Despite that notice and the restrictions on the Premises Licence, noise nuisance issues continued. This application has been submitted with a view to addressing those issues.
- 6.7 During the consultation period, a representation was received from another responsible authority, the Police. There were a further eight representations from other persons, all representations supported the grounds for the review.

## **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.
- 8.5 For any restriction or condition to apply to live or recorded music between the hours of 08:00 and 23:00 for up to 500 persons (on the premises), a statement that Section 177A of the Licensing Act 2003 does not apply to the condition/restriction must be included.

**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 and associated papers.  
Copies of the representations.

**Cabinet Member (Portfolio Holder)**

Cllr S Charmley

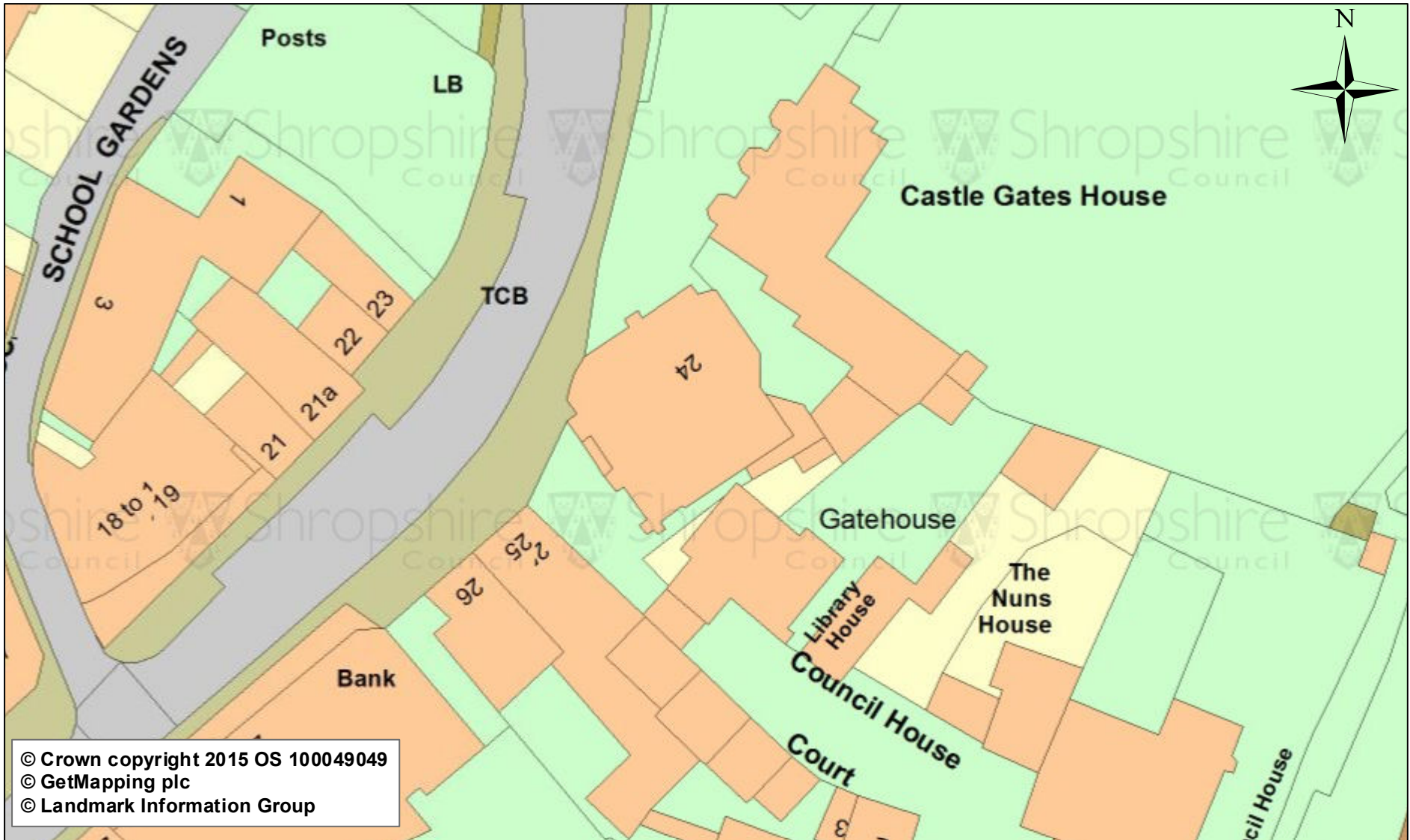
**Local Member**

Cllr A Bannerman

**Appendices**

Appendix A – Location Plan

Appendix B – Current Licence



© Crown copyright 2015 OS 100049049  
© GetMapping plc  
© Landmark Information Group

## St Nicholas Cafe



**This page is intentionally left blank**



# Premises Licence WITH Alcohol

Licensing Act 2003

# PL/SC/14/00899

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:

Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

### The Opening Hours of the Premises

Mon - Thurs 09:00-00:00  
Fri - Sat 09:00-00:30  
Sun 09:00-23:00

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

<b>Live Music</b> <b>Indoors</b>	Mon - Sat 10:00-00:00 Sun 11:00-16:00
<b>Recorded Music</b> <b>Indoors</b>	Mon - Thurs 10:00-00:00 Fri-Sat 10:00- 00:00 Sun 11:00-23:00
<b>Late Night Refreshment</b> <b>Indoors</b>	Mon - Thurs 23:00-00:00 Fri-Sat 23:00-00:30

<b>Supply of Alcohol</b>	Mon – Thurs 10:00-00:00 Fri-Sat 10:00- 00:00 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**

Mr Philip Tracey

**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.: 15/02884

Issued by: Shropshire

### 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;

(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.

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. 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.

#### **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.
4. Maximum occupancy 150. Clicker system in place.

#### **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.
7. Deliveries and collections to and from the premises will only be made between the hours of 08:30 and 17:30.

#### **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.

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

Not applicable

#### **Annex 4 – Plans**

Drawing dated: 29 Feb 2012 and plan received 20 Mar 2014

# Premises Licence WITH Alcohol Summary

Licensing Act 2003

# PL/SC/14/00899

**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

## 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:

Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

### The Opening Hours of the Premises

Mon - Thurs 09:00-00:00  
Fri - Sat 09:00-00:30  
Sun 09:00-23:00

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

<b>Live Music</b>	Mon - Sat 10:00-00:00 Sun 11:00-16:00
<b>Indoors</b>	
<b>Recorded Music</b>	Mon - Thurs 10:00-00:00 Fri-Sat 10:00-00:00 Sun 11:00-23:00
<b>Indoors</b>	
<b>Late Night Refreshment</b>	Mon - Thurs 23:00-00:00 Fri-Sat 23:00-00:30
<b>Indoors</b>	

<b>Supply of Alcohol</b>	Mon – Thurs 10:00-00:00 Fri-Sat 10:00- 00:00 Sun 11:00-23:00
--------------------------	--

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

On Premises

**Name, (Registered) Address 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 of Designated Premises Supervisor Where the Premises Licence Authorises  
the Supply of Alcohol**

Mr Philip Tracey

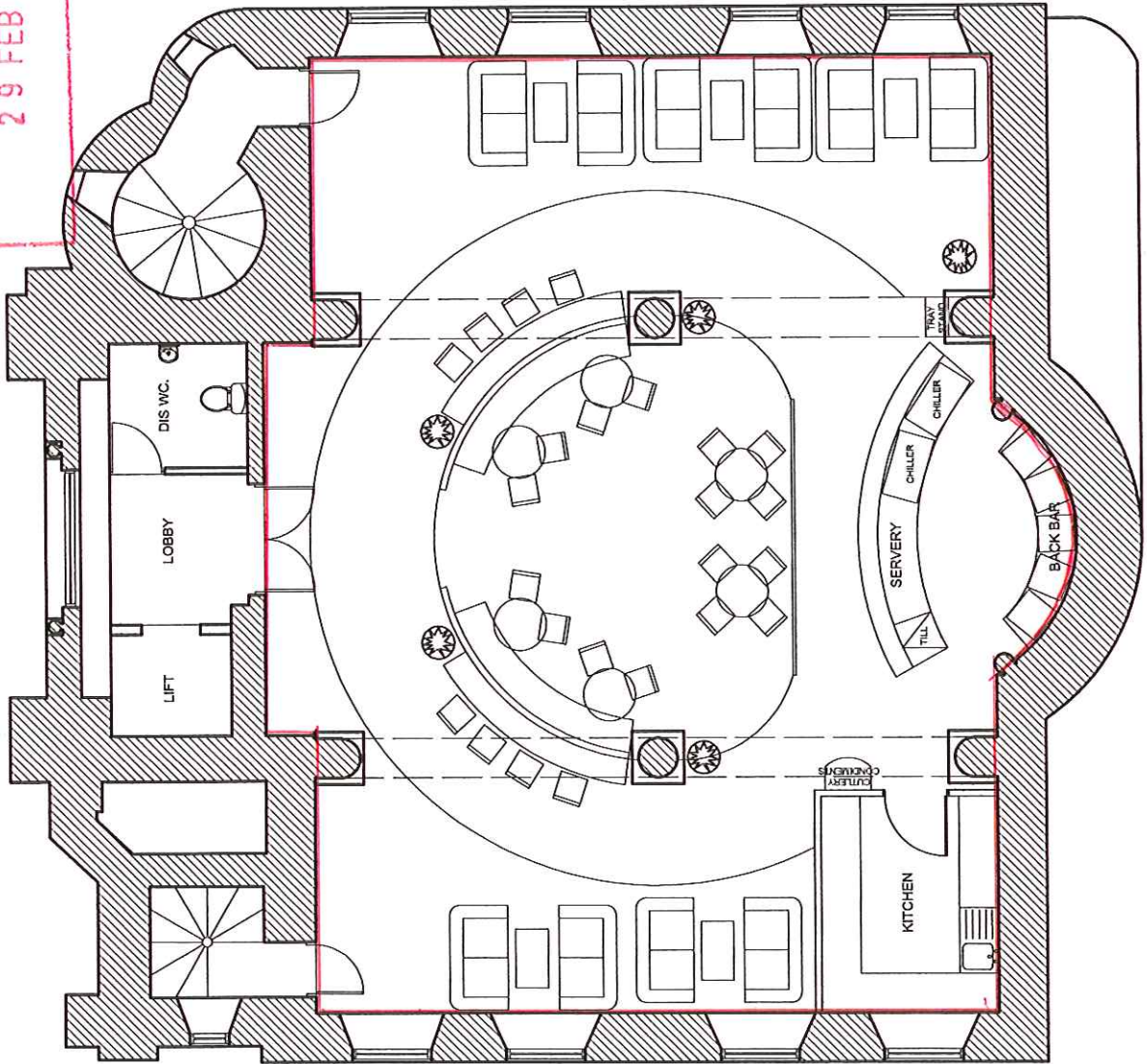
**This page is intentionally left blank**



Premises Plan

LICENSING  
CENTRAL SERVICES

29 FEB 2012



The contractor is to check all dimensions on site and report any errors. This drawing is not to be scaled.

Project	13	By	13
Drawn	13	Date	13.04.08
Approved			
Notes	A REMOVE TOILETS AND REDUCE SEATING		

**JSD**  
Jamieson Smith Associates

Retail and Commercial Design  
13 Devon Square, Nelson Abbey, Devon, DT1 2HN  
Tel: (01424) 33000 Fax: (01424) 46100  
www.jamiesonsmith.co.uk

Client  
Women of Mind  
The former St. Nicholas Church  
24 Castle Street  
Strawberry

Drawings  
Proposed Second Floor Plan

Scale: 1:50  
Drawing No: 04.04.08  
Drawing No: A2  
Sheet No: A

This drawing and information contained herein is the property of Jamieson Smith Associates and shall remain confidential. It is not to be used for any purpose without the written permission of an agent of the company.

**This page is intentionally left blank**