

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

Date: Tuesday, 5 March 2019

Committee:
Licensing Act Sub-Committee

Date: Wednesday, 13 March 2019

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

Peter Adams

Kevin Pardy

Paul Milner

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

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 a Variation of a Premises Licence - Jaspers Bar & Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF (Pages 1 - 18)

Report of the Public Protection Officer (Specialist) is attached, marked 3.
Contact Ross O'Neil on 0345 6789026



Licensing Act Sub-Committee

Wednesday 13th March 2019

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Ross O'Neil, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

Shropshire Council being the authorised licensing authority for:

- Jaspers Bar & Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF

has received an application for a variation of the premises licence at the premises. A location plan is attached to the report as Appendix A.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is therefore required to be determined by way of a hearing of the Licensing Act 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 Statement of Licensing Policy 2014 - 2019.

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 2014 - 2019, 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 the premises licence at Jaspers Bar & Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF.

6. Background

- 6.1 Mr Aled Rees has made an application for a variation of the premises licence. Mr Rees is the premises licence holder and the Designated Premises Supervisor of the premises.
- 6.2 Jaspers Bar & Bistro has had its current premises licence since October 2005. The premises is in a mixed use area, surrounded by residential and commercial premises. At the rear of the premises there is a large car which park backs onto a viaduct on the other side of which are residential properties. Jaspers is situated on Victoria Road, one of the main streets in Shifnal.

6.3 The existing Premises Licence permits the following:

Opening hours

No opening hours

Supply of Alcohol (on and off premises)

Monday to Sunday 11:00 - 23:00

Non Standard Timings

Good Friday noon – 20:30

Christmas Day noon – 15:00 and 19:00 – 22:30

Playing of Recorded Music (Indoors)

Monday to Saturday 11:00 – 23:00

Sunday noon – 20:30

Late Night Refreshment (Indoors)

Monday to Saturday 11:00 – 23:00

6.4 The variation application seeks to amend the following:

Opening hours

Monday to Sunday 12:00 – 01:00

Non Standard Timings

New Year's Eve to 03:30.

Supply of Alcohol (on and off premises)

Monday to Sunday 12:00 – 00:00

Non Standard Timings

New Year's Eve to 03:00.

Live Music (Indoors)

Monday to Sunday 12:00 – 00:00

Non Standard Timings

Christmas Eve and New Year's Eve to 03:00.

Recorded Music (Indoors)

Monday to Sunday 12:00 – 00:00

Non Standard Timings

Christmas Eve and New Year's Eve to 03:00.

Late Night Refreshment (Indoors)

Monday to Sunday 23:00 – 00:00

Non Standard Timings

Christmas Eve and New Year's Eve to 03:00.

- 6.5 The applicant seeks the variation primarily in order to address the issue of noise emanating from the balcony and ground floor external areas of the premises, which have been the subject of a number of noise complaints from nearby residential premises. These complaints have resulted in the involvement of the Environmental Protection Team, who have provided advice with regard to this application and the mitigation of noise nuisance from the premises.

1 - Balcony area to close at 23:00 hours seven days a week and the area is to be vacated by staff by 23:15.

2 - Downstairs outside rear area to be closed off at midnight.

3 - No amplified music or amplified talking to outside area save in an emergency.

4 - Rear windows and doors to remain closed from 23:00 save for entry/exit.

- 6.7 - The variation application also seeks to adopt a Challenge 25 Policy under the Protection of Children from Harm.

7. Representations received (Responsible Authorities)

- 7.1 One representation has been received from Environmental Health. The representation relates to Prevention of Public Nuisance and the impact of the rear balcony and noise from people in the external ground floor area impacting on residents within their homes.

8. Representations received (Other Persons)

- 8.1 Eight representations have been received from 'other persons'. Four of these are in objection to the application and primarily have concerns in respect of the Prevention of Public Nuisance. Principally the concerns relate to the nuisance that is currently occurring and may continue if the requested variations are permitted, particularly those relating to the external areas of the premises. The other four representations again primarily concern the Prevention of Public Nuisance but praise the public house and the licence holder for the facilities provided to the community.

- 8.2 Seven further representations were also received in support of the application. One of these representations was submitted after the end of the consultation period and could not therefore be considered. The other six were anonymous and provided no name, address or details in relation to the application and the effect the grant of the variation may have on the four licensing objectives. These representations were not accepted as relevant as it was not possible for either the Licensing Authority or the applicant to assess their validity in terms of proximity to the premises or relevance in terms of the person making the representation. As these six representations were anonymous it has not

been possible to inform the people making them that they were not accepted as relevant, or of the date of the hearing.

- 8.2 None of the representations have been withdrawn the applicant has indicated that they wish to continue with the application as submitted.

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 the amendments/additions and conditions as detailed in paragraph 6.4, 6.6 and 6.7 of this report would need to be included in the licence.

- 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, 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.

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 have 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 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 Statement of Licensing Policy 2014 - 2019.
Guidance issued under section 182 of the Licensing Act 2003 (March 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and copies of representations
Existing Licence (19775) and plan

Cabinet Member (Portfolio Holder)

Cllr J Barrow

Local Member

Cllr E Bird

Appendices

Appendix A – Existing Licence

Appendix B – Location Plan (Jaspers 1 and 2)



*Licence
First
issued -
11.10.05.
19775*

Licensing Act 2003 Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Jaspers Bar & Bistro

15 Victoria Road, Shifnal, Shropshire, TF11 8AF

Telephone 01952 460452

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Saturday	11:00am	11:00pm
	Sunday	Noon	10:30pm
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	11:30pm
M. the sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. the sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Aled Wyn Rees

Jasper's Bar and Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF.



Licensing Act 2003

Premises Licence

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 AUTHORIZES THE SUPPLY OF ALCOHOL

Aled Wyn REES

Jasper's Bar and Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PA/BH175

Issued by Bridgnorth



Licensing Act 2003

Premises Licence

Annex 1 - Mandatory Conditions

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

- At a time when there is no designated premises supervisor in respect of the premises licence, or
- At a time when the designated premises supervisor does not hold a personal licence or his/her 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.

Embedded Restrictions

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:-

- On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11am to 11pm
- On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm
- On Good Friday, 12 noon to 10.30pm
- On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm
- On New Year's Eve, except on a Sunday, 11am to 11pm
- On New Year's Eve on a Sunday, 12 noon to 10.30pm
- On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- During the first twenty minutes after the above hours the consumption of the alcohol on the premises
- During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel
- During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals
- Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
- The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered
- The sale of alcohol to a trader or club for the purposes of the trade or club



Licensing Act 2003

Premises Licence

- The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- The taking of alcohol from the premises by a person residing there: or
- The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him/her at his/her own expense, or the consumption of alcohol by persons so supplied; or
- The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- He/she is the child of the holder of the premises licence
- He/she resides in the premises, but is not employed there
- He/she is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out: -

The Premises Licence is subject to the restrictions contained in the Children and Young Persons Act 1933 to the extent that any of those restrictions were imposed on the use of the premises for the existing licensable activities under the relevant existing licence or licences.

Recorded music

No statutory regulations for music and singing shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or



Licensing Act 2003

Premises Licence

television broadcasting service.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

As this was a conversion of an existing licence(s) Annex 1 contains the embedded restrictions from the converted licence(s), with amendment where necessary.

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

There was no hearing in relation to this application, so no conditions were imposed by the Licensing Committee.

ANNEX 4

PLANS

As attached



Licensing Act 2003

Premises Licence Summary

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Jaspers Bar & Bistro

15 Victoria Road, Shifnal, Shropshire, TF11 8AF

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WHERE THE LICENCE IS TIME LIMITED THE DATES

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. the sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Aled Wyn Rees

Jasper's Bar and Bistro, 15 Victoria Road, Shifnal, Shropshire, TF11 8AF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

Premises Licence Summary

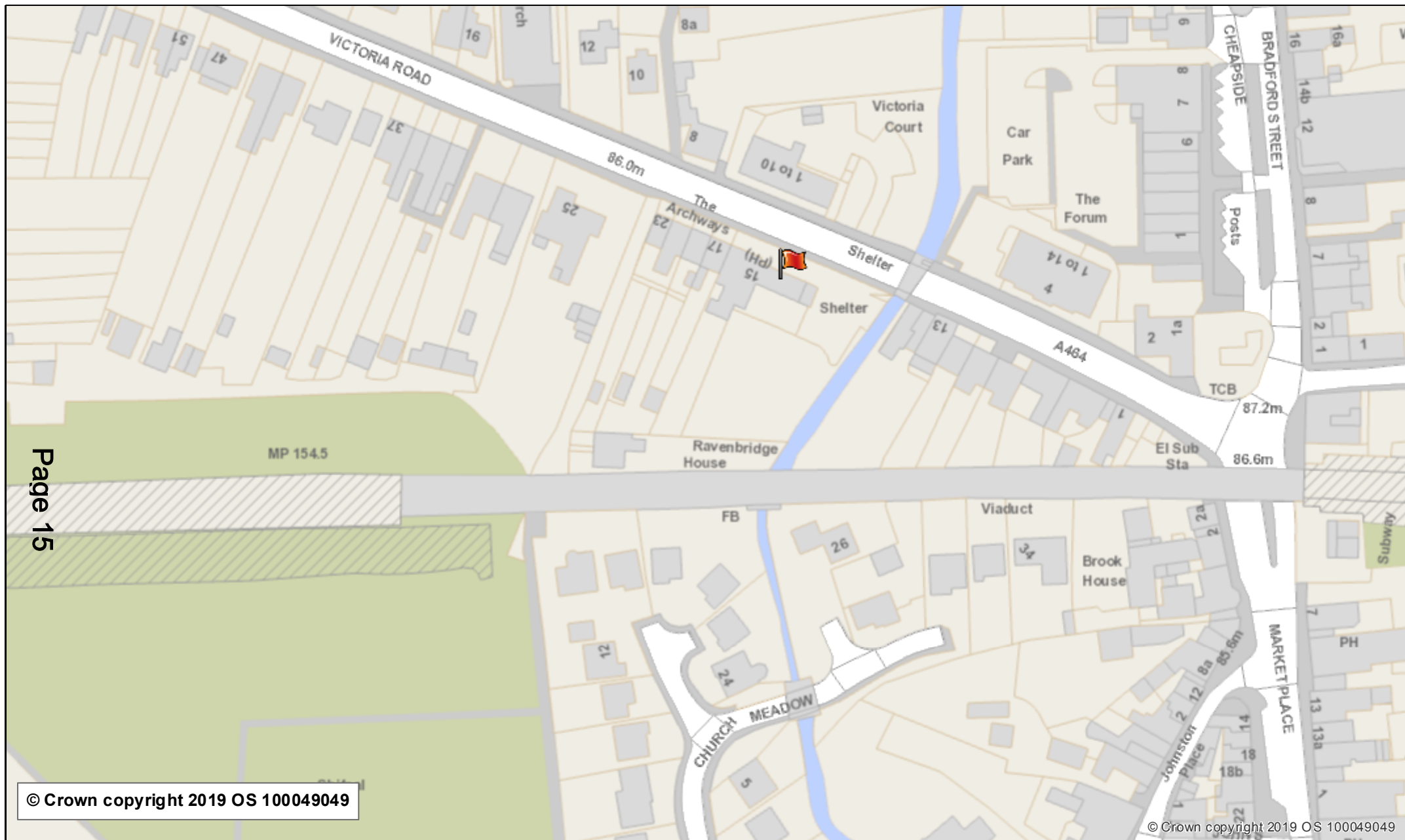
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Aled Wyn REES

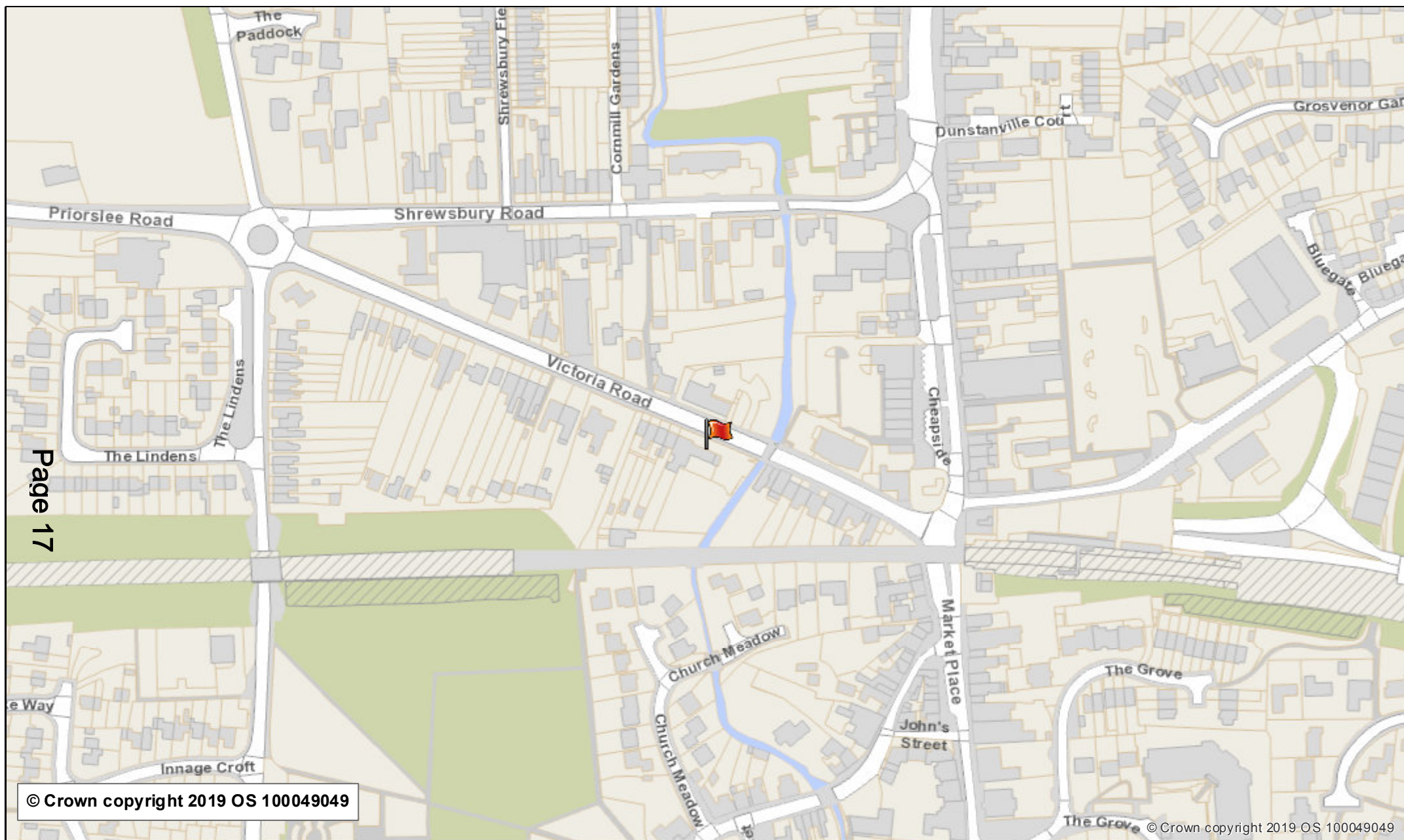
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

In accordance with the relevant provisions of the Licensing Act 2003, where applicable, any embedded restrictions by way of any converted licence.

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