

# **SHROPSHIRE COUNCIL**

## **LICENSING ACT SUB-COMMITTEE**

**Minutes of the meeting held on 10 September 2015**

**10.30 - 11.39 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies

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### **Present**

Councillors Peter Adams, Joyce Barrow and Keith Roberts

### **10 Election of Chairman**

#### **RESOLVED:**

That Councillor Keith Roberts be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

### **11 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Peter Adams stated that he knew the Parish Secretary, Claire Crackett who had submitted the Premises Licence Application.

### **12 Application for a Premises Licence - St Chad's Church and Church Hall, Shrewsbury**

Consideration was given to an application for a Premises Licence in respect of St Chad's Church and Church Hall, St Chad's Terrace, Shrewsbury, SY1 1JX.

Ms. Louise Prince (Solicitor – Shropshire Council); Mrs Emma Armstrong-Chadwick (Applicant); Rev Mark Chadwick (Vicar, St Chad's); Mrs Sally Seymour (Church Warden); Mr Peter Flint (Church Warden); Mr David Tudor (Church Warden); Mrs Kate Roberts (Public Protection Officer - Professional - Shropshire Council); Mr Robert Lewis (Interested Party); Ms Wynona Silcock (Interested Party); Mr Trevor Wheatly (Interested Party - Joint car park owner ); Mr Peter Stewart (Interested Party- Joint car park owner); Dr Gareth Benyon (Interested Party); Mr Richard Tudor (Interested Party) and Mrs Gail Holmes (Interested Party) were present.

Mr David Tudor (Church Warden) addressed the Sub-Committee on behalf of the applicant. He explained that St Chad's Church was used for a number of events and the Church Hall was an important adjunct to the Church especially as the Church had no kitchen so any event that required catering would need to use the Church Hall. It was stressed that the Parochial Church Council (PCC) did not plan any change in

policy for the use of the Church or Church Hall if the Premises Licence was granted and Mr Tudor listed a number of concessions agreed with residents, these were as follows:

1. Hours to be covered by the licence should be 10.00 am to 10.00 pm.
2. If at some future point the Church hall is no longer in use by the Church, the hall will not be let or sold as licenced premises.
3. The hire agreement on the church hall will be strengthened to emphasise that the adjacent car park is privately owned and that there is foot access only to the hall.

In response to questions from the Public Protection Officer (Professional), Interested Parties and Members of the Sub-Committee Mr Tudor confirmed that:

- The Church and Church Hall had previously applied for Temporary Event Notices for events that included alcohol but it was expensive to do this and it took time to do this for each event;
- The buildings were regularly visited by the Shropshire Fire and Rescue Service and an annual fire safety check was undertaken;
- He was not aware of any complaints from residents in relation to events at the Church Hall;
- The Church was informed by Shropshire Council that just one notice was required to be displayed in relation to the application and this had been displayed at the Church; and
- He considered that a notice displayed in the Church giving a point of contact was reasonable and a good idea.

The Public Protection Officer (Professional) addressed the Sub-Committee confirming that the new application had been accepted as a valid application and that representations had been received during the consultation period. It was explained that due to changes made by Government regarding regulated entertainment to buildings such as Church Halls certain entertainment does not require a licence.

Peter Stewart (Interested Party - Joint car park owner) explained that Trevor Wheatly and himself had met with the PCC in relation to the issues concerning the car park and had agreed a number of concessions with David Tudor (the precise wording of these concessions was circulated to Members) and therefore would withdraw his representation subject to the concessions being included as conditions of the licence.

Mrs Gail Holmes (Interested Party) addressed the Sub-Committee explaining that some events at the Church Hall caused a noise nuisance to properties in the area.

Dr Gareth Benyon (Interested Party) addressed the Sub-Committee and questioned who residents would contact from the PCC if there were issues during an event at the Church Hall.

Mr Robert Lewis (Interested Party) addressed the Sub-Committee explaining that individuals using the hall did not take any notice of the signs stating that the car

park was for residential use only and continued to park in this area. He added that once a booking for the hall was made he felt the PCC were not interested in how the event was run.

In response to questions from a Member of the Sub-Committee, Mr Peter Stewart explained that following the erection of a number of notices in relation to the car park the problem had decreased but a number of people using the Church Hall still parked in this area.

In response to questions from a Member of the Sub-Committee, Ms Wynona Silcock explained that she had lived in her property for 16 years and the music in the Church was not an issue but problems occurred when amplified music was played during events at the Church Hall.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11:21 a.m. and reconvened at 11:38 a.m. to announce their decision.

#### **RESOLVED:**

That the application for a Premises Licence for St Chad's Church and Church Hall, St Chad's Terrace, Shrewsbury, SY1 1JX, be granted for the following days, hours and licensable activity:

Plays, Films, Live Music, Recorded Music, Performance of Dance – indoors  
Monday to Sunday – 09:00 to 22.30

Supply of Alcohol - on the premises  
Monday to Sunday - 10:00 to 22:00

Opening Hours  
Monday to Sunday – 08:00 to 23:00

And in accordance with the following operating schedule:

#### Prevention of Crime and Disorder

1. CCTV system is in place in the church, the recordings are kept for 28 days. Recordings will be made available to Shropshire Council or the Police on request.
2. Crime prevention notices displayed at premises.

#### Public Safety

1. Maximum number of people on the premises will never exceed the legal maximum.
2. First aid equipment will be available and maintained available for use.
3. Fire equipment regularly maintained and checked.
4. Escape routes maintained and kept free from obstruction.

#### Prevention of Public Nuisance

1. When licensable events take place, regular checks will be undertaken outside by church members to ensure that there is no noise nuisance to local residents. Any action taken will be recorded.
2. Notices will be displayed at exit doors to ask patrons to leave quietly.

#### Protection of Children from Harm

1. A Challenge 25 policy will be operated at the premises with notices informing of the policy being displayed within the premises. Those responsible for alcohol sale(s) must be trained on this policy. Regular refresher training to enforce this policy.
2. All alcohol sale refusals will be noted in a refusals register which will be available for inspection by an officer of a responsible authority on request.
3. Acceptable proof of identification will be a passport, photo card driving licence or recognised proof of age card.

#### Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of local residents and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above. The matters set out in the operating schedule (detailed above) were to be made conditions on the licence. The setting of these conditions was an appropriate and proportionate measure to take for the furtherance of the licensing objectives.

It was noted by the Sub-Committee that the concessions proposed by the applicant (detailed below) were not enforceable and therefore would not be conditions of the licence

- If at some point the church hall was no longer in use by the church, the hall would not be let or sold as a licensed premises; and
- The hire agreement on the church hall be strengthened to emphasise that the adjacent car park is privately owned and that there is foot access only to the hall.

Members of the Sub-Committee recommended to the applicant that a notice providing the contact details of the relevant person to contact in case of any problems was displayed on the exterior of both the Church and the Church Hall.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against

this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed ..... (Chairman)

Date: .....