



<u>Committee and Date</u>
Licensing Act Sub-Committee
Thursday 18 th August 2016

<u>Item</u>
3
Public

LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a new Premises Licence.

Premises: 10 Willow Street Oswestry Shropshire SY11 1AA. 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 new 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 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 new Premises Licence for 10 Willow Street Oswestry Shropshire SY11 1AA.

6. Background

- 6.1 Mrs Michelle Sevim, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Supply of Alcohol - off the premises

Monday to Sunday - 07:00 to 01:00

Opening Hours

Monday to Sunday - 07:00 to 01:00

- 6.2 For a new application, 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.

6.2.1 Prevention of Crime and Disorder

1. An effective, secure, recordable CCTV system as per Shropshire Police recommendations with appropriate staff training for its operation and for the retrieval of images which will be made available to the authorities on demand.
2. An alarm system
3. Staffing levels maintained at an appropriate level to ensure adequate security, particularly at opening and closing times.
4. Spirits and high value items stored and displayed behind the manned point of sale
5. Staff being trained on all security issues including how to identify and refuse service to customers that are drunk, appear to be drunk or are suspected to be dependent drinkers.
6. Alcohol will not be permitted to be consumed on or near the premises and alcohol will not be sold or allowed to leave the premises in open bottles or containers.

6.2.2 Public Safety

1. Ensuring that the entrance and any walkways within the premises are kept free from obstruction
2. Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
3. Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
4. Effective lighting maintained and operated to ensure the safety of the public and staff.

6.2.3 Prevention of Public Nuisance

1. The shop and public areas nearby are kept free from litter associated with the operation of the shop
2. Any noise, light pollution and any other potential nuisance is monitored and kept to an acceptable level
3. Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance to local residents or businesses.

6.2.4 Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Posters/signs advising of Challenge 25 Policy at entrance and at point of sale.
3. Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers.
4. Staff training will occur before a staff member is authorised to sell alcohol within the premises.
5. Staff training will be recorded with regular refresher sessions and signed off by the DPS and/or Premises Licence Holder.
6. Staff training records will be available for inspection by the police or other responsible authority upon request.
7. A refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative.

8. Staff will take reasonable steps to ensure that children and young people do not congregate outside the premises.

9. Proof of age by photocard driving licence, passport, PASS approved photocard and/or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.

6.3 Mr Halit Sevim, is the proposed designated premises supervisor, and has a personal licence to sell alcohol issued by Shropshire Council (licence number 16/01182).

7. Objections Received (Responsible Authorities)

The Police have made a representation on the prevention of crime and disorder and public safety licensing objectives. In particular, it requests the licence be restricted to 07.00 to 23.00 and subject to conditions mainly dealt with in para 6.2 above. Specific objection to use of a serving hatch (not provided for in the proposed licence plan), which is intended for use from 23.00 to close.

8. Objections received (Other Persons)

8.1 No representations have been received from other persons.

8.2 The applicant has indicated that she wishes to continue with the application as detailed above.

8.3 The representation has 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 licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraphs 6.2 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 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copy of representation received.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr D Kerr

Appendices

Appendix A – Location Plan