

# SHROPSHIRE COUNCIL

## LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 15 June 2017

10.00 am - 12.02 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

**Responsible Officer:** Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

### **Present**

Councillors Peter Adams, Dean Carroll and Paul Milner

### **5 Election of Chairman**

#### **RESOLVED:**

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

### **6 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.

### **7 Application for a Variation of a Premises Licence - The Cornhouse, Wyle Cop, Shrewsbury**

Consideration was given to an application for a Variation of a Premises Licence in respect of The Cornhouse, 59a Wyle Cop, Shrewsbury SY1 1XJ.

Ms A. Clinch (Objector), Mr M. Evans (Objector), Mrs L. Evans (Objector), Mr D. Jones (Objector), Mr M. Jones (Objector), Councillor N. Green (Local Member & Shrewsbury Town Councillor), Mr. W. Wyatt (Licence Holder), Ms. L. Prince (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Shropshire Council) were in attendance.

The applicant addressed the Sub-Committee explaining that he wanted to modify and modernise the Cornhouse and the variation application had been submitted to fit in with his business model for the premises following discussions with the Licensing Team.

In response to questions from the Public Protection Officer (Professional), Members of the Sub-Committee, Councillor Green and Objectors the Applicant confirmed that:

- Food would be the main focus of the business but he wanted to attract customers with additional opening hours;
- He did not want to create a noisy party place;

- Customers going outside to smoke was an issue but he was happy to hear suggestions on how to reduce the impact on residents;
- The use of the word 'disco' in the advertising of the premises referred to the atmosphere that he wished to create and it would not be a nightclub;
- He would like to work with residents and not cause any disturbance;
- He would not serve intoxicated people as this would be contrary to his licence;
- There were premises with glass windows similar to those at the Cornhouse;
- The music at the premises would be background music;
- There was no official outside smoking area but would consider one if this was beneficial to residents;
- He was unsure at present whether he intended to apply for a pavement licence;
- There was no noise limiter on the music system;
- There would be a second set of doors on the exit/entrance by Century House; and
- He would be operating a Challenge 25 policy.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

The Public Protection Officer (Professional) noted that the applicant had requested conditions to be removed from the existing licence as detailed in paragraph 6.5 of the report and explained that following a representation from West Mercia Police the applicant had agreed for conditions as outlined in paragraph 7.1 of the report to be added to the premises licence.

In response to questions from Members of the Sub-Committee and objectors the Public Protection Officer (Professional) confirmed that:

- The notice of the application was displayed in line with the policy but was printed on white paper instead of blue paper;
- For some applications it was necessary for more than one notice to be displayed; and
- The applicant had been passed relevant information in relation to the issues concerning the fire alarm system.

Ms A. Clinch addressed the Sub-Committee in relation to the application. She noted that she lived very close to the premises and was concerned that the changes to the licence would have a detrimental impact on the quality of her life.

Mr M. Evans addressed the Sub-Committee in relation to the application. He stated that he welcomed the reopening of the Cornhouse but was concerned in regards to the additional opening hours requested and considered the commercial benefit of allowing alcohol sales until midnight was disproportionate to the impact this would have on residents.

Councillor N. Green (Local Member & Shrewbury Town Councillor) addressed the Sub-Committee in relation to the application noting that he had a number of concerns in relation to public safety.

Mr D. Jones (Objector) addressed the Sub-Committee in relation to the application noting that he had concerns regarding the extension of opening hours beyond 11.00 pm.

Mr M. Jones (Objector) addressed the Sub-Committee in relation to the application stating that this was a residential area and he was concerned that residents would suffer nuisance and anti-social behaviour if the opening hours were extended.

In response to questions from the Applicant, Members of the Sub-Committee and the Public Protection Officer (Professional) the objectors confirmed that:

- Noise issues would be caused when customers came outside of the premises;
- A smoking area directly at the front of the premises with barriers and a limit to when food was served outside would be helpful to some residents;
- The additional hours would prolong problems for residents; and
- A contact number for residents and a dispersal plan would be beneficial.

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 11.31 a.m. and reconvened at 11.59 a.m. to announce their decision.

**RESOLVED:**

That the application for a variation of a premises licence for The Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ be granted for the following days, hours and licensable activity:

**Supply of alcohol (on/off premises)**

Monday – Sunday: 09:00 – 00:00

Non Standard Timings

End time on New Year’s Eve is start time on New Year’s Day

**Late Night Refreshment (Indoors)**

Monday to Saturday: 23:00 - 00:00

Sunday: 23:00 - 23:30

Non Standard Timings

Good Friday and Xmas Day 23.00-23.30. New Year’s Eve 23.00-05.00.

**Recorded Music (Indoors)**

Monday to Sunday: 23:00 – 00:00

End time on New Year’s Eve is start time on New Year’s Day

## **Opening Hours**

Monday to Sunday: 09:00 – 00:30

End time on New Year's Eve is start time on New Year's Day

Subject to the removal of the following conditions from the existing licence:

- The Embedded Restrictions added to the licence under the Licensing Act 1964 and can be seen on the existing Premises Licence at the end of Annex 1.
- The General conditions in Annex 2 of the existing licence to be updated/replaced with the additional conditions outlined in the operating schedule.

An additional condition for the applicant to provide contact details of two members of staff to residents

And in accordance with the following operating schedule:

### General

Staff training on Licensing Act 2003/Emergency Action Plan updated at least annually. Records kept and available to the Responsible Authorities on request.

### The Prevention of Crime & Disorder

1. Digital colour CCTV system operating at all times licensable activities are taking place, covering areas public have access to (save for toilet areas) and front entrance doors to premises. Images retained for a minimum of 28 days. Images produced to any responsible authority upon request and in a viewable format. A member of staff trained in the operation of the CCTV system will be at the premises at all times licensable activities are taking place.
2. The premises shall have a town centre link radio.

### Public Safety

1. Fire alarm maintained in operational order
2. First Aid kit in place

### The Prevention of Public Nuisance

1. The windows will be kept shut when Regulated Entertainment is taking place
2. Signs at front door asking customers to leave quietly

### The Protection of Children from Harm

1. Training will be held to train all persons supplying alcohol (prior to them supplying alcohol) on the Challenge 25 procedures and service to intoxicated persons. Refresher training no less than every three (3) months. A training record to be maintained and available to responsible authorities on request.

- 2. Challenge log kept and available to responsible authorities upon request.
- 3. Challenge 25 Policy applied. Signage at points of alcohol sale. Visual prompt concerning Challenge 25 at close proximity to points of sale, the front entrance and on each floor level.

**Reasons:** The Sub-Committee had considered all the representations that had been made by all parties before 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 raised by the objectors to the application.

Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above but made the following suggestions to the applicant:

- That a noise limiter was fitted to the sound system to determine an objective level for the background music;
- That ash trays be provided at the front of the premises on Wyle Cop;
- That the outside of the premises is cleaned every morning before opening; and
- That the entrance/exit on Wyle Cop is used as the main entrance/exit.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. 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: .....