

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 10 July 2017

10.00 am - 12.31 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors: Peter Adams, Simon Jones and Paul Milner

11 **Election of Chairman**

RESOLVED:

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

12 **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.

13 **Application for a Premises Licence - Orchard Cafe, 11 Belmont, Shrewsbury, SY1 1TE**

Louise Prince (Solicitor – Shropshire Council), Jessica Moores (Public Protection Officer – Professional), Mr Rick Davies (Shrewsbury Diocese Commercial Company Limited – Applicant), Mr Tim Shield (Applicant's Solicitor), Mr P Cox (Objector), Mr Davies (Objector), Mrs Whitehouse (Objector) and Mr A Shrank (Objector) were present.

On behalf of the applicant, Mr Shield addressed the Sub-Committee. He stated that the application was seeking permission to sell alcohol between 10.00 a.m. and 6.00 p.m. each evening. The applicant's representative outlined how the space within the Orchard Café would be used, explaining that the first floor would only be used for pre-arranged functions and the intention was to run tours of the cathedral with refreshments, including alcoholic beverages. It was further explained that the hours had been reduced from 11.00 p.m. to 6.00 p.m. as a direct response to concerns raised by local residents. It was noted that there were no objections from either the police or from environmental health.

In response to questions from the Objector and Members of the Sub-Committee the applicant's solicitor confirmed:

- If the Sub-Committee were to grant the application he was willing to add a condition to require that alcohol purchased from the premises by 6.00 p.m. is

consumed by 6.30 p.m. to ensure gradual drinking up time and customer dispersal;

- The consumption of alcohol was not a licensable activity;
- The use of the terrace area was intended to allow for greater flexibility and to offer a place to have a drink outside during the fine weather;
- The diocese had a general obligation to manage behaviour and assured the objectors that behaviour would be very well managed throughout the premises;
- The main access to the café was through the main car park; and
- The intention was not to operate the premises like a bar or pub.

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 five relevant representations had been received in respect of public nuisance and public safety. It was confirmed that in response to representations made by local residents, and through the mediation process the applicant had drastically reduced the licensable activities and times being applied for.

The Chairman invited the objectors to present their case. With the agreement of all parties present Mrs Whitehouse, on behalf of the objectors circulated photographs which she referred to during her presentation. Mrs Whitehouse explained that their concerns related to public nuisance caused by the noise generated which would be considerable and intrusive to many nearby properties which were listed and therefore single glazed and also to the risks to public safety. The Objectors raised concerns relating to the prevention of harm to children, explaining that there were young children living nearby who might be exposed to anti-social behaviour.

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 12.00 noon and reconvened at 12.28 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Orchard Café, 11 Belmont, Shrewsbury, be granted for the following days, hours and licensable activity, with an additional condition that alcohol purchased from the premises by 18:00 hours must be consumed by 18:30 hours.

Supply of Alcohol (On and Off premises)

Monday to Sunday - 10:00 to 18:00

Opening Hours

Monday – Sunday - 00:00 to 23:59

And in accordance with the following operating schedule

Prevention of Crime and Disorder

- 1] The use of door staff will be risk assessed on an ongoing basis by the premises licence holder or premises supervisor
- 2] Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided.
- 3] Staff will receive training on matters concerning underage sales, drug policies and operating procedures.
- 4] There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
- 5] CCTV will be in operation and cover all entrances and exits of the premises, points of sale as well as the outdoor seating areas. CCTV recordings will be kept for a minimum of 30 days and made available to any authorised officer upon request

Public Safety

- 1] The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
- 2] Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
- 3] Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

Prevention of Public Nuisance

- 1] Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the need of local residents and leave the premises and area quietly.

Protection of Children from Harm

- 1] There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
- 2] Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.
- 3] Proof of id being passport, photo card driving licence, Government approved PASS photo ID card or HM Forces ID card.
- 4] Challenge log kept and available to responsible authorities upon request.
- 5] Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing together with the evidence submitted 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 were not satisfied that sufficient evidence had been presented to refuse the application or show that the four licensing objectives would not be promoted.

The Sub-Committee noted that following discussions prior to the hearing the applicant had taken into account the residents' concerns and had reduced the hours requested for the Licensable Activity.

The Sub-Committee recommended that the applicant contacts Shropshire Council to get a concealed entrance or similar sign to improve road safety in the area and that the applicant arranges for contact details to be given to residents to help prevent any future problems.

The applicant was 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: