

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 21 November 2017

10.00 - 11.20 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

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Present

Councillors Roy Aldcroft, Harry Taylor and Dave Tremellen

24 **Election of Chairman**

RESOLVED:

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

25 **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.

26 **Submission of Temporary Event Notices - TownHouse, 35 Willow Street, Oswestry**

Consideration was given to the submission of three Temporary Event Notices in respect of Townhouse, 35 Willow Street, Oswestry, SY11 1AQ.

Mr. M. Scott (Applicant), Mr. D. Warnick (General Manager - Townhouse), Ms. L. Prince (Solicitor – Shropshire Council), Ms. J Chanter (Public Protection Officer – Professional – Environmental Health - Shropshire Council), Ms. J. Moores (Public Protection Officer – Professional – Licensing Team - Shropshire Council) and Ms. S. Price (Apprentice Public Protection Officer – Shropshire Council) were in attendance.

Public Protection Officer – Professional (Environmental Health) addressed the Sub-Committee in relation to the application and outlined the reason for the objection submitted by Environmental Health in relation to the three Temporary Event Notices. It was noted that the primary reason for the objection was the frequency of the events and the number of days covered by the notices in total and reference was made to a complaint received in relation to a similar event at the premises last year.

In response to questions from the Applicant Public Protection Officer – Professional (Environmental Health) confirmed that:

- Monitoring events was a resource issue for the Council and also added pressure on the premises on evening of the event;

- There was a property within 3 metres of boundary so did not feel appropriate to hold events outside after 11 pm; and
- Previous outdoor events at the premises during the summer months would have been held before 11pm.

Mr Scott (Applicant) and Mr Warnick (General Manager - Townhouse) addressed the Sub-Committee in relation to the application and outlined the steps that they would take to ensure that nearby properties were not subjected to noise from the premises.

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

- The Temporary Event Notices covered all bases and events would not be held on every evening requested;
- They had taken a number of measures in response to the complaint received last year including turning the tipi and changing the location where music will be played;
- He had a good relationship with the restaurant owners and would be happy to discuss any problems;
- If the events were permitted to go ahead and a complaint was received he would invite Environmental Health to monitor the premises;
- All events would be private functions where a sit down meal would be served and the music would be incidental;
- There was one exit from the premises onto Willow Street and as the premises had a later licence customers would not necessarily leave at the same time; and
- He was happy to amend the Temporary Event Notices to include only the three weekends in December - Friday 1st/Saturday 2nd December, Friday 8th/Saturday 9th December and Friday 15th/ Saturday 16th December.

The meeting was adjourned at 10.46 am to seek clarification in relation to the licensed area of the premises. The meeting was reconvened at 10.52 am.

The Public Protection Officer (Professional) – Licensing Team provided a location plan showing licensed area for the premises which indicated that the premises licence covered the whole outdoor area. It was clarified by the Public Protection Officer (Professional) – Licensing Team that the premises licence covered most activities applied for in the Temporary Event Notice apart from regulated entertainment outside from 11 pm to 1 am on Friday 1st/Saturday 2nd December, Friday 8th/Saturday 9th December and Friday 15th/ Saturday 16th December.

Following clarification from the Public Protection Officer (Professional) – Licensing Team of what was included in the premises licence and what was being applied for in the Temporary Event Notice, the Public Protection Officer – Professional (Environmental Health) confirmed that she did not consider it was feasible to hold events over a prolonged period without causing a public nuisance and therefore did not wish to withdraw the objection.

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

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 11.08 a.m. and reconvened at 11.18 a.m. to announce their decision.

RESOLVED:

That a Counter-Notice in respect of the Temporary Event Notices for Townhouse, 35 Willow Street, Oswestry would not be issued by the Licencing Authority allowing the following days, hours and licensable activity:

Regulated Entertainment

Friday 1st and Saturday 2nd December 2017 – 23.00 to 01.00

Friday 8th and Saturday 9th December 2017 – 23.00 to 01.00

Friday 15th and Saturday 16th December 2017 – 23.00 to 01.00

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 were mindful of the views and concerns of the Environmental Health Officer and were grateful for the case that was presented which enabled a discussion to take place around what measures the Premises Licence Holder intended to put in place during the course of the events to be held at the Premises and to better understand the nature of the events.

Having considered the application in detail and the answers given by the Premises Licence Holder, the Sub-Committee felt that the Premises Licence Holder was responsible and had sufficient experience in respect of the premises licence but also in sound management issues to be satisfied that the events would promote the licensing objectives, in particular that of Public Nuisance.

The Sub-Committee took into account the following specific points:

1. the complaint referred to by the Environmental Health Officer had occurred prior to the current General Manager being in place at the Premises however, adjustments had been made to the events based on the complaint.
2. efforts had been made by the General Manager to carry out investigations in the locality into the effect any noise from the events may cause

- 3. the Premises has held events in the beer garden with recorded music up to 23:00 with no complaints received
- 4. the information given by the Premises Licence Holder in respect of the set-up of the sound system to be used at the events

Taking the above into account the Sub-Committee took the decision not to issue a Counter-Notice in respect of the Temporary Event Notices as detailed above.

Signed (Chairman)

Date: