



Committee and Date

Licensing Act Sub-Committee

6th September 2018

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

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1. Summary

To consider an application for a new Premises Licence.

Premises: Punch Bowl Inn, Ludlow Road, Bridgnorth, WV16 5NQ. 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 therefore required to be determined by way of a hearing of the Licensing Act 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 2014 - 2019.

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 with 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 the Punch Bowl Inn, Ludlow Road, Bridgnorth, WV16 5NQ.

6. Background

- 6.1 Mr Adam Giles has made an application for a new Premises Licence. Mr Giles proposes to be both the Premises Licence Holder and the Designated Premises Supervisor. The requested licensable activities and opening hours are:

Live Music (Indoors)

Monday to Saturday 10:00 – 01:00

Sunday 10:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

The applicant describes this as live bands and DJ music associated with functions

Recorded Music (Indoors)

Monday to Saturday 10:00 – 01:00

Sunday 10:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

The applicant describes this as background music together with DJ recorded music

Performances of Dance (Indoors)

Monday to Saturday 10:00 – 01:00

Sunday 10:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

The applicant describes this as dancing to live or recorded music together with occasional dance artists

Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance (Indoors)

Monday to Saturday 10:00 – 01:00

Sunday 10:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

Late Night Refreshment (Indoors/Outdoors)

Monday to Saturday 23:00 – 01:00

Sunday 23:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

The applicant describes this as tea, coffee and occasional snacks

Supply of Alcohol (On premises)

Monday to Saturday 23:00 – 01:00

Sunday 23:00 – 00:00

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

Opening Hours

Monday to Saturday 10:00 – 01:30

Sunday 10:00 – 00:30

Non Standard Timings

On New Year's Eve these hours will be extended from the end of licensing hours that day to the start of licensing hours on New Year's Day

- 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 General – all four licensing objectives

- 1] The DPS will actively manage and promote high standards of neighbourliness within and amongst staff and customers
- 2] Staff will be briefed on the four licensing objectives and instructed to operate in accordance with them

6.2.2 Prevention of Crime and Disorder

- 1] Digital CCTV and appropriate recording equipment will be installed and in operation at the premises both internally and externally with 28 day recording time and be made available to police on request

6.2.2 Public Safety

- 1] The outlet will comply with all reasonable requirements of the Fire Brigade Safety Officer and the Building Control Officer

6.2.3 Prevention of Public Nuisance

- 1] Posters will be displayed asking customer to leave the premises quietly and with due consideration for neighbours
- 2] The DPS will monitor noise levels to try to avoid public nuisance
- 3] Out of hours deliveries shall be monitored to ensure a noise nuisance is not being caused
- 4] The DPS will operate an external cleanliness programme to try and maintain a clean external environment to the public house immediate vicinity

6.2.4 Protection of Children from Harm

- 1] The premises will adopt a challenge 21 policy/scheme
- 2] AWP machines will be positioned in view of members of staff

7. Objections Received (Responsible Authorities)

- 7.1 Following communication with the Licensing Team, the applicant has agreed to the following additions/amendments to conditions to be attached to the licence:

Prevention of Crime and Disorder

- 1] Digital colour CCTV inside and outside premises will be operating and recording at all times when licensable activities are taking place
- 2] CCTV images will be retained for a minimum of 28 days and made available in a viewable format to the Police and Licensing Authority on request.

Protection of Children from Harm

- 1] A 'Challenge 25' Policy will be implemented with appropriate signage displayed at points of sale
- 2] The only forms of identification that will be accepted are a passport, photo card driving licence, PASS photo card and/or military ID photo card
- 3] A challenge log will be maintained and made available to responsible authorities upon request
- 4] Training on the 'Challenge 25' procedures will be held for all persons supplying alcohol
- 5] Refresher training on 'Challenge 25' to be provided no less than annually. Training records retained and available at the premises to responsible authorities on request"

- 7.2 Environmental Health also made a representation, primarily concerned with the potential for a public nuisance to be caused by the proposed hours of live and recorded music, music noise escaping from the function room and people noise from patron using the outside area. The Environmental Health Officer has since visited the premises and agreed with the applicant additional conditions to be attached to the licence in order to promote the prevention of public nuisance. The agreed conditions are below and on the basis of these conditions being accepted by the applicant, the Environmental Health Officer has withdrawn their representation.

- 1] The external garden area shall be open to the public between the hours of 1000 – 2200 hours only.
- 2] The bar opening out into the external patio area shall be open for sales between the hours of 1000 – 2300 hours only and shall be closed completely by 2300 hours.
- 3] The doors from the function room opening out onto the patio area shall remain closed between the hours of 2300 – 1000 hours.
- 4] The external patio area which has a bar opening out onto it shall not be used between the hours of 0030 – 1000 hours.
- 5] There shall be no live or recorded music in any external areas after 2300 hours.

8. Objections received (Other Persons)

- 8.1 One representation has been received from other persons, who has a concern principally relating to public nuisance. The representation is from the immediate neighbour to the premises, who claims they are already experiencing disturbance from the premises and the proposals in the new licence application are not sufficient to deal with this.
- 8.2 The applicant has indicated that they wish to continue with the application, including the amendments agreed with the Licensing and Environmental Health Teams.
- 8.3 The representation have 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 paragraph 7.1 and 7.2 of this report would need to be included in the licence, if deemed necessary and appropriate.
- 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 (April 2017).
The Licensing Act 2003 (Hearings) Regulations 2005.

Cabinet Member (Portfolio Holder)

Cllr J Barrow

Local Member

Cllr L Winwood

Appendices

Appendix A – Location Plan