



Licensing Act Sub-Committee

Tuesday 22nd April 2014

2.00 p.m.

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a Premises Licence.

Premises: Clementines, Station Road, Baschurch, SY4 2BB. 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 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 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. It may also only allow certain requested licensable activities.

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 Premises Licence for Clementines, Station Road, Baschurch, SY4 2BB.

6. Background

- 6.1 Mr Kulbinder Douley has made an application for a Premises Licence, the requested licensable activities and opening hours are:

Recorded Music - indoors

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

Supply of alcohol on and off the premises

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

Opening Hours

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

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

The premises will be alarmed.

6.2.2 Public Safety

None.

6.2.3 Prevention of Public Nuisance

1. Recorded music played at a level so as to be inaudible from outside the premises.

2. Deliveries as far as possible at reasonable times of day.

6.2.4 Protection of Children from Harm

1. Challenge 25 Policy applied.

2. Refusals book maintained and made available to responsible authorities on request.

3. Proof of ID by passport, photo card driving licence and/or PASS approved photo card.

4. Signage at points of sale.

6.3 The premises (ground floor) currently has the benefit of a Premises Licence (PL/SC1067) which authorises solely the supply of alcohol off the premises for Mon-Sat 08:00-23:00 and Sun 10:00-22:30. The applicant is the licence holder and designated premises supervisor.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

8.1 Five representations have been received from other persons, who have concerns in respect of crime and disorder, public nuisance and public safety. Principally the concerns relate to the number of licensed premises already in the town, the potential nuisance that might be caused, the lack of parking and the proposed hours of trading.

8.2 The applicant has indicated that they wish to continue with the application as detailed above.

8.3 The representations 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 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 (June 2013).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copies of representations received.
Premises Licence PL/SC1067

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

Cllr Nicholas Bardsley

Appendices

Appendix A – Location Plan