



Licensing Act Sub-Committee

Thursday 15th May 2014

10.00 a.m.

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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1. Summary

To consider an application for a variation to a Premises Licence.

Premises: St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ. 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 variation of 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 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 Variation of a Premises Licence for St Nicholas Café, 24 Castle Street, Shrewsbury, SY1 2BQ

6. Background

6.1 Mr and Mrs Ben Smith, the Premises Licence holders, have made an application for variation of a Premises Licence.

6.2 The existing Premises Licence (attached at Appendix B) permits the sale of alcohol for consumption on the premises Mon – Sun 11.00-23.00, the playing of recorded music indoors (and opening) Mon - Sun 08:30-23.00 and on New Year's Eve the terminal hour for opening/alcohol sale/recorded music is 02.00 the following day, (with late night refreshment indoors permitted from 23.00-02.00 on New Year's Eve).

6.3 The applicants have requested to amend the licence to permit:-

Sale of Alcohol on the premises

Mon – Thurs 10.00 - 00.00

Fri – Sat 10.00 – 01.00

Sun 10.00 - 23:00

Late Night Refreshment indoors

Mon – Thurs 23.00 - 00.00

Fri – Sat 23.00 – 01.30

Live Music indoors

Mon – Sat 10.00 – 00.00

Sun 11.00 – 16.00

Recorded Music indoors

Mon – Thurs 10.00 - 00.00

Fri – Sat 10.00 – 01.30

Sun 11.00 - 23:00

Opening hours

Mon – Thurs 09.00 - 00.00

Fri – Sat 09.00 – 01.30

Sun 09.00 - 23:00

Following comments made by West Mercia Police the applicants have amended the hours requested on the application (which are detailed as above).

- 6.4 For variation applications, 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.

6.4.1 Prevention of Crime and Disorder

1. Digital colour CCTV to main areas of the premises (including all points of access, egress and public areas) operating and recording at all times when licensable activities are taking place. Images retained for a minimum of 31 days and made available in a viewable format to the Police and Licensing Authority on request.
2. Member of Shrewsbury Shop and Pub Watch.
3. SIA Door staff from 19.00 until close at weekends, Bank Holidays and special events. The door staff to monitor/restrict access and generally observe clientele whilst inside.
4. Staff training on the licensing objectives, Challenge 25, emergency and general safety precautions, refreshed at least annually. Training records kept/updated and available to responsible authorities on request.

6.4.2 Public Safety

1. Maximum occupancy 150. Clicker system in place.
2. One qualified first aider on the premises whenever regulated entertainment takes place.

6.4.3 Prevention of Public Nuisance

1. Windows and doors closed during regulated entertainment and during busy periods.
2. Leave quietly notices at entrances/exits requesting customers to leave quietly and respect the neighbours.
3. Speakers moved away from walls adjacent to residential properties.
4. No emptying of bottle, bins and rubbish between 22.00 and 08.00.
5. Entrances have lobbies and automatic door-closers.
6. Door staff to seek to ensure customers on leaving the premises at night do so in an orderly manner.

6.4.4 Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Proof of ID by passport, photo card driving licence and/or Citizen card.
3. Children below the age of 18, excluded from premises at 19.00.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

8.1 Thirteen representations have been received from other persons, who have concerns in respect of crime and disorder, public nuisance, public safety and protection of children from harm. Principally the concerns relate to the nuisance that might be caused, with the hours increased and in particular the noise from music and customers on leaving. Additionally there are great concerns regarding the behaviour of people at night when around the premises.

8.2 The applicants have 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 application
- To grant the application with (or without) conditions in full (or in part)

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraphs 6.4 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.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

Cllr A Bannerman

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence PL/SC23448