



Licensing Sub-Committee
Tuesday 19th January 2021
Online via Teams Live

Item
Public / Except

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Ross O'Neil, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a new Premises Licence.

Premises: The Community Pavilion, Llanfair Waterdine, Knighton, LD7 1TU

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 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 2019 - 2024.

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 Community Pavilion, Llanfair Waterdine, Knighton, LD7 1TU. (A copy of the location map and location photographs can be found at **Appendix A and B**)

6. Background

- 6.1 Llanfair Waterdine Community Trust have made an application for a new Premises Licence. The premises is a newly built timber framed building that was granted planning permission in 2017 and accessed via the C- classified highway which connects the village to Skyborry Green to the South. The Premises is located within 200m of the Welsh border in the rural village of Llanfair Waterdine. (A copy of the application and plan can be found at **Appendix C and D**)

The requested licensable activities and opening hours are:

Supply of Alcohol (On premises)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 00:00

Late night refreshment (Indoors)

Friday and Saturday – 23:00 to 00:00

Performance of dance (Indoors)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 23:30

Recorded music (Indoors)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 00:00

Live music (Indoors)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 00:00

Films (Indoors)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 23:30

Plays (Indoors and outdoors)

Sunday to Thursday - 12:00 to 23:00

Friday and Saturday – 12:00 to 23:30

Opening Hours

Sunday to Thursday - 08:00 to 23:30

Friday and Saturday – 08:00 to 00:30

To include non- standard timings for Christmas Eve, New Year's Eve and Private parties until 01:00, excluded performance of dance and films.

- 6.2 As the pavilion is a community premises the applicant has applied to disapply the DPS to the trust and have provided a copy of their constitution and draft of hire agreement to be used if licence is granted. (A copy of the constitution and hire agreement can be found at **Appendix E**)
- 6.3 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 following discussions with Trading Standards, Environmental Health and Police. **Further details at paragraph 7.**
- 6.3.1 Prevention of Crime and Disorder
- 1] The Premises will have a zero tolerance to drugs policy, the Licence Holder shall display notices at the entrances to the premises advising attendees that the police will be informed if anyone is found in possession of controlled substances.
- 2] Drugs found will be placed in a suitable locked receptacle kept for that purpose. Means for securing and unlocking the receptacle will be held by the

Premises Licence Holder or a nominated responsible person. A record shall be made of the date and time of the find, the person who made the find and the person who secured the found item(s). This record will be made available to any authorised authority on request.

3] The premises Licence Holder shall make suitable arrangements with the Police for the collection of any found items as soon as possible after they are found.

6.3.2 Public Safety

1] The Premises will ensure all fire safety procedures are in place and checked regularly.

2] The Premises will ensure the outdoor lighting is sufficient when leaving the premises.

3] Details of local taxi firms to be displayed to customers with the main retail area of the premises.

6.3.3 Prevention of Public Nuisance

1] Prominent, clear and legible notices will be displayed at all exits requesting the public respect the needs of nearby residents and to leave the premises and the area quietly.

6.3.4 Protection of Children from Harm

1] A challenge 25 policy will be implemented with appropriate signage displayed at the points of sale.

2] The only forms of identification that will be accepted are a passport, photocard driving licence, PASS photo card and/ or military ID photo card.

3] A challenge log for challenge 25 and refusals will be maintained and made available to any authorized authority on request. The challenge log can be kept either electronically or in a hard backed/ bound book.

4] Training on the challenge 25 procedures, proxy sales and their responsibilities under the Licensing act 2003 will be held for all persons supplying alcohol.

5] Refresher training on challenge 25, proxy sales and their responsibilities under the Licensing act 2003 to be provided no less than annually. Training records retained and available at the premises to any authorised authority on request.

6] All persons under 18 must be accompanied by an appropriate and responsible adult at all times.

7. **Objections Received (Responsible Authorities)**

- 7.1 Four authorities made comment on the application. Trading Standards were happy the applicant proposed a challenge 25 policy, however requested that their standard Challenge 25 wording was used. Environmental Health requested 21:30 hours for windows and doors to be closed from the initial 23:00 hours suggested by the applicant and the Police were also happy with the drugs policy and exit notice but requested their standard wording along with taxi firms details to be displayed in the venue.
- 7.2 Planning stated “I believe the building in question was approved under permission referenced 17/04146/FUL subject to a condition that restricted its use to D1 and D2 use. This would include recreation uses which required the sale of alcohol. The sale of alcohol does not constitute development from a planning perspective and therefore we would have no objection to the issuing of a licence on this basis”.
- 7.2 There are no outstanding objections from the Responsible Authorities.

8. Objections received (Other Persons)

- 8.1 Eleven representations have been received from other persons, who have concerns principally in respect of public nuisance and public safety. The representation map displays the location of representation in relation to the premises. (A copy of the location map can be found at **Appendix F**)
- 8.2 The public nuisance concerns relate to the nuisance that might be caused to local residents by the wooden building amplifying noise if a licence was to be granted. There is mention that the community believed the building was to be a Sports Pavilion and not a licensed premises and the hours applied for are too broad and open ended with little restrictions to cause nuisance to residents, which the Trust could not manage.
- 8.3 The public safety concerns relate to the single carriage road which would have an increase of volume from visitors, which has no street lighting or footpaths and provides access to and from the premises. (Representation can be found at **Appendix G – Q**)
- 8.4 In response to all the representations made by local residents, the applicant has written to them to provide clarification, however the licensable activities and times being applied for by the applicant remain as per the application and this report. (A copy of the letter can be found at **Appendix R**)
- 8.5 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 paragraph 6 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 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The Licensing Act 2003 (Hearings) Regulations 2005.
Application form.
Copies of representations received.

Cabinet Member (Portfolio Holder)

Cllr G Butler

Local Member

Cllr N Hartin

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Disapply DPS application (constitution and hire agreement)

Appendix F – Location of representation map

Appendix G – Representation Alison

Appendix H – Representation Clarence

Appendix I – Representation Everest Hall

Appendix J – Representation Minniss

Appendix K – Representation Nix

Appendix L – Representation Robert & Ruth Davies

Appendix M – Representation Robert Davies

Appendix N – Representation Smith

Appendix O – Representation Szmids

Appendix P – Representation Tree

Appendix Q – Representation Wakeman

Appendix R – Applicant clarification letter