



<u>Committee and Date</u>
Licensing Act Sub-Committee
Tuesday 27 May 2014 10.00am

<u>Item</u>
3
Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

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1. Summary

To consider an application for a Premises Licence.

Premises: Cromwell's 11 Dogpole Shrewsbury SY1 1EN. 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 Cromwell's 11 Dogpole Shrewsbury SY1 1EN.

6. Background

6.1 Cromwell's Inn Ltd has made an application for a Premises Licence, the requested licensable activities and opening hours are:

Films – indoors

Monday to Sunday 12:00 to 00:30

Live Music – indoors and outdoors

Monday to Sunday – 12:00 to 01:00 (23:00 outdoors)

Recorded Music – indoors and outdoors

Monday to Sunday – 09:00 to 01:00 (23:00 outdoors)

Late night refreshment – indoors

Monday to Sunday – 23:00 to 01:00

Supply of alcohol on and off the premises

Monday to Sunday – 10:00 to 00:45 (amended from 01:00 following comments from West Mercia).

Opening Hours

Monday to Sunday – 07:00 to 01:15

(For Xmas Eve and New Year's Eve end time for opening and all licensable activities 03:00).

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

1. Colour digital CCTV system operational at all times when licensable activities are taking place. Recordings maintained for 90 days and made available to responsible authorities in a viewable format upon request therefor.
2. The premises has a panic alarm.
3. Incident log maintained and made available to responsible authorities upon request.
4. Off sales of alcohol limited to closed bottles.
5. Staff training in use of CCTV.
6. Member of Shrewsbury pubwatch.

6.2.2 Public Safety

1. Professionally installed and maintained fire alarm.
2. First aid kits and fire extinguishers available.

6.2.3 Prevention of Public Nuisance

1. The garden to be closed to the public at 23.00, with all lights in the garden extinguished at that time, save for emergency lighting.
2. Rear windows and rear door closed at 23.00.
3. Signage at front exit door requesting customers to leave quietly.
4. Amplified music outdoors to cease no later than 20.00.
5. A wall mounted ashtray fixed near to the front door.

6.2.4 Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Challenge 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 currently has the benefit of a Premises Licence (PL/SC22346) which authorises the supply of alcohol on and off the premises for Mon-Sat 10:00-23:00; Sun 12:00-22:30 and New Year's Eve 10:00 until terminal hour on New Year's Day. The opening hours are 24hrs. The applicant is the licence holder. (There is no restriction on the use of the garden within that Licence).

6.4 The application is made for a new premises licence as the first floor of the building is being converted into a restaurant (from guest bedrooms) and also seeks the addition of regulated entertainment and late night refreshment as well as an increase in hours.

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 to principally crime and disorder, public nuisance and to a lesser extent public safety. Principally the concerns relate to the potential nuisance that might be caused (by increasing the hours currently permitted) by customers leaving the premises and by the noise emanating from within, the use of the garden and first floor terrace area and the proposed hours of trading. Suggested request include restricting activities to 23.00.

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/SC22346

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

Cllr A Bannerman

Appendices

Appendix A – Location Plan