



Licensing Act Sub-Committee
Wednesday 10th March 2021
Online via Teams Live

Item

Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

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

Shropshire Council being the authorised licensing authority for:

- Riverside Inn, Cound, Shrewsbury, Shropshire, SY5 6AF

has received an application for a variation of the premises licence at the premises. (A location plan and location photographs are attached to the report as **Appendix A and B**).

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 Statement of 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 2019 - 2024, 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 the premises licence at Riverside Inn, Cound, Shrewsbury, Shropshire, SY5 6AF.

6. Background

- 6.1 Greene King Brewing and Retailing Limited have made an application for a variation of the premises licence, with the assistant of John Gaunt & Partners.
- 6.2 Greene King has had held the current premises licence since March 2020 when they transferred the licence from the previous holder, which dated back to pre-2005. The premises are situated in a rural setting on the A458 between the villages of Cross Houses and Cressage, surrounded by open countryside to the front, the River Severn to the rear and a few residential properties either side.

6.3 The existing Premises Licence (**Appendix C**) permits the following:

Opening hours

No opening hours

Supply of Alcohol (on and off premises)

Monday to Saturday 10:00 - 23:00

Sunday 12:00 – 22:30

Non-Standard Timings

Good Friday 12:00 – 22:30. Christmas day 12:00 – 15:00 and 19:00 – 22:30

New Year's Eve end time is start time on New Year's Day

(One additional hour if ancillary to a meal. Unrestricted hours for hotel residents only)

Recorded Music (Indoors)

Monday to Sunday 00:00 – 23:59

Late Night Refreshment (Indoors)

Monday to Saturday 23:00 – 00:00

Sunday 23:00 – 23:30

Non-Standard Timings

Good Friday and Christmas day 23:00 – 23:30

New Year's Eve 23:00 – 05:00

The existing plan of the premises (**Appendix D**) shows the entire ground floor is licensed, with the 'off sales' allowing consumption in external areas.

6.4 The variation application (**Appendix E**) seeks to amend the following:

Opening hours

Monday to Sunday 06:00 – 01:00

Non-Standard Timings

24 Hours for hotel residents

Supply of Alcohol (on and off premises)

Monday to Sunday 09:00 – 00:30

Non-Standard Timings

24 Hours for bona fide guests (as existing)

New Year's Eve 09:00 – 01:00 on 2nd January

Recorded Music (Both)

Monday to Sunday 00:00 – 23:59

Non-Standard Timings

New Year's Eve 09:00 – 01:00 on 2nd January

Late Night Refreshment (Both)

Monday to Sunday 23:00 – 00:30

Non-Standard Timings

New Year's Eve 09:00 – 01:00 on 2nd January

Films (Both)

Monday to Sunday 09:00 – 00:30

Non-Standard Timings

New Year's Eve 09:00 – 01:00 on 2nd January

- 6.5 The applicant has also requested to remove all “Embedded Restrictions” which were part of the previous Public Entertainment Licence and replace with modernised versions as of operating schedule paragraph M(a) to (e).
- 6.6 The variation application also seeks refurbishment throughout both internally and externally at the premises and to extend the licensable area to the rear of the premises and to the West, incorporating an additional building, the ‘Coach House’. (The proposed plan of the premises can be found at **Appendix F (1) and F (2)**).
- 6.7 Within the application the applicant has also identified additional conditions for to promote the four licensing objectives. The operating schedule details that the following steps would be taken
- 6.7.1 Prevention of Crime and Disorder
- 1] The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
- 2] Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
- 3] There shall be a zero-tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
- 4] The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
- 5] The management of the premises will liaise with police on issues of local concern or disorder.
- 6] CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.

7] There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

6.7.2 Public Safety

1] To comply with the reasonable requirements of the fire officer from time to time.

2] The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.

3] Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

4] Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

5] Fire Exits and means of escape shall be kept clear and in good operational condition.

6.7.3 Prevention of Public Nuisance

1] Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

2] Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time.

3] Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

4] Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

6.7.4 Protection of Children from Harm

1] The restrictions set out in the Licensing Act 2003 will apply.

7. Representations received (Responsible Authorities)

7.1 Four representation had been received from Responsible Authorities, namely Environmental Health, Trading Standards, Licensing and the Police. Representations have been withdrawn by all four authorities.

7.2 Environmental Health were concerned about the noise externally after 23:00 hours at the premises. It has been agreed that the following conditions will

also be included under the prevention of public nuisance on the Licence if granted

1] No regulated entertainment outdoors after 23:00.

2] No films to be shown in external areas.

7.3 Trading Standards wanted further conditions rather than the ones currently set out in the Licensing Act 2003. The following additional conditions have been agreed and will also be included under The Protection of children from harm if granted

1] A Challenge 21 Policy will be implemented with appropriate signage displayed at points of sale.

2] A challenge log for Challenge 21 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.

3] Training on the Challenge 21 procedures, proxy sales and their responsibilities under the Licensing Act 2003 will be held for all persons supplying alcohol.

4] Refresher training on Challenge 21, 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.

7.4 Licensing, acting as responsible authority, were happy with the content but wanted clarity on proposed conditions. One condition around training for underage sales has been agreed with Trading Standards and the following wording has been agreed to replace condition 1 for prevention of crime and disorder and condition 1 for prevention of public nuisance, if granted

Prevention of Crime and Disorder

1] The use of door staff will be in accordance with the premises' written risk assessment, which will be reviewed on an ongoing basis by the licence holder or premises supervisor. Where engaged, door staff shall be licensed by Security Industry Authority.

Prevention of Public Nuisance

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

7.5 The police are also in agreement with the wording as above in section 7.4 for the door staff as per the premises' written risk assessment.

8. Representations received (Other Persons)

- 8.1 Three representations have been received from ‘other persons’, which although supportive have concerns in respect of the Prevention of Public Nuisance as they are nearby residents. Principally the concerns relate to the nuisance that could be caused from the new ‘Coach House’ and the additional land to the West of the premises that will have a patio and fire pit area. They will state that this additional building and area was not used by the premises previously to provide external facilities. (Location of ‘other persons’ representation map can be found at **Appendix G**).
- 8.2 The Public Protection Officer encouraged and supported all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing (28.18 of Shropshire Council’s Licensing Policy 2019 – 2024). The representations have not been withdrawn and the applicant has indicated they wish to continue with the application as submitted. (Representations can be found at **Appendix H – J**).

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 the amendments/additions and conditions as detailed in paragraph 6 and amendments/additions as agreed with authorities detailed in paragraph 7 of this report would need to be included in the licence.
- 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, licence holder 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 have 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 applicant and/or the licence holder 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

<https://www.legislation.gov.uk/ukxi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005

<https://www.legislation.gov.uk/ukxi/2005/78/made>

Cabinet Member (Portfolio Holder)

Cllr G Butler

Local Member

Cllr C Wild

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Existing licence

Appendix D – Existing plan

Appendix E – Variation application

Appendix F (1) and F (2) – Proposed plan of premises

Appendix G – Location of ‘other persons’ representation map

Appendix H – Representation L. Tristham

Appendix I – Representation K. Clarke

Appendix J – Representation L. Clarke