



Committee and Date

Licensing Sub-Committee

Thursday 29 May 2014

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a Premises Licence.

Premises: Percy's Coffee and Curio's, Star Hotel, Watergate Street, Whitchurch, SY13 1DW. 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 Percy's Coffee and Curio's, Star Hotel, Watergate Street, Whitchurch, SY13 1DW.

6. Background

- 6.1 Mr Mark John Dawson and Ms Karen Teresa Painting have made an application for a Premises Licence, the requested licensable activities and opening hours are:

Plays – indoors and outdoors

Monday to Thursday – 10:00 to 01:00

Friday to Saturday – 10:00 to 03:00 (01:00 outdoors)

Sunday - 12:00 to 01:00

Films – indoors and outdoors

Monday to Thursday – 10:00 to 01:00

Friday to Saturday – 10:00 to 03:00 (01:00 outdoors)

Sunday - 12:00 to 01:00

Indoor Sporting Events

Monday to Thursday – 10:00 to 01:00
Friday to Saturday – 10:00 to 03:00
Sunday - 12:00 to 01:00

Live Music – indoors and outdoors

Monday to Thursday – 10:00 to 01:00 (00:00 outdoors)
Friday to Saturday – 10:00 to 03:00 (00:00 outdoors)
Sunday - 12:00 to 01:00 (00:00 outdoors)

Recorded Music - indoors and outdoors

Monday to Thursday – 10:00 to 01:00
Friday to Saturday – 10:00 to 03:00 (01:00 outdoors)
Sunday - 12:00 to 01:00

Performance of Dance – indoors and outdoors

Monday to Thursday – 10:00 to 01:00
Friday to Saturday – 10:00 to 03:00 (01:00 outdoors)
Sunday - 12:00 to 01:00

Late Night Refreshment – indoors

Sunday to Thursday – 23:00 to 01:00
Friday to Saturday – 23:00 to 03:00

Supply of Alcohol - on and off the premises

Monday to Thursday – 10:00 to 01:00
Friday to Saturday – 10:00 to 03:00
Sunday - 12:00 to 01:00

Opening Hours

Monday to Thursday – 10:00 to 01:00
Friday to Saturday – 10:00 to 03:00
Sunday - 12:00 to 01:00

Non-standard timings

On Sunday/Monday of Bank Holiday weekends, Xmas Eve and Boxing Day end time for all activities and opening 03:00. End time on New Year's Eve is end time on New Year's Day for all activities and opening.

- 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. No persons carrying open bottles shall be admitted to the premises at any times that the premises are open to the public.
2. Alcoholic and other drinks may not be removed from the premises in open containers.
3. Restricted access to Premises after 01:00 on Fri/Sat nights.

6.2.2 Public Safety

None.

6.2.3 Prevention of Public Nuisance

1. Notices will be displayed in a prominent position at all exits requesting the public to respect the needs of local residents and to leave the premises area quietly.
2. Noise and vibration shall not emanate from the premises so as to cause nuisance to nearby properties.
3. After 00.00 only background music incidental to the event in question shall be played outdoors.
4. Prior to any licensable activities taking place, a noise management plan shall be submitted by the licence holder and approved in writing by the Licensing Authority. The premises shall only be operated in accordance with the control measures in the approved plan.

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. Children are allowed on the premises at the discretion of the licensee.
5. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

6.3 The premises currently has the benefit of a Premises Licence (PL/SC019145) which authorises all of the activities (save plays) with the hours – Mon-Thurs 10:00-00:00; Fri/Sat 10:00-01:00; and Sunday 12:00-00:00. The opening hours have termination hours of 00:00 Sun-Thurs and 01:30 Fri/Sat. The applicant's are the licence holders.

7. Objections Received (Responsible Authorities)

None.

8. Objections received (Other Persons)

- 8.1 One representation has been received from 'other persons', who is concerned in respect of crime and disorder and public nuisance. Principally the concern relates to the proposed hours of trading with the comment that those hours will 'turn the place into a night club'.
- 8.2 The applicant's have indicated that they wish to continue with the application as detailed above.
- 8.3 The representation has 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.
Copy of representation received.
Premises Licence PL/SC019145

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

Cllr T Biggins & Cllr Mrs M Mullock

Appendices

Appendix A – Location Plan