



Licensing Sub-Committee Monday 3rd October 2022 Council Chamber - Shirehall	<u>Item</u> <u>Public</u>
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LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Ross O'Neil, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a new Premises Licence.

Premises: Shrewsbury Flaxmill Malting Cafe, Spring Gardens, Shrewsbury, SY1 2SZ

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 Shrewsbury Flaxmill Malting Cafe, Spring Gardens, Shrewsbury, SY1 2SZ (A copy of the location map and location photographs can be found at **Appendix A and B**).

6. Background

- 6.1 Simon Cranmer and Matthew Dix- Williams have made an application for a new Premises Licence at the café set within the grounds of the Shrewsbury Malting Flaxmill, Spring Gardens, Shrewsbury off the A5191 located by residential premises and other commercial properties to the East, with a train line to the West. The café is on the ground floor and is set within the Grade I listed main building and they propose to have an inside and outside seating area to allow the sale of alcohol and consumption within both areas. (A copy of the application and plan can be found at **Appendix C and D**).

Shrewsbury Flaxmill Maltings is a newly restored industrial mill and former maltings which is been transformed into a new visitor experience, café, shop

offices and venue space. The large site is home to eight buildings with engineering history, including the 1797 Main Mill and is due to open in September 2022 for a place for visitors to work, eat and learn.

6.2 The requested licensable activities and opening hours are:

Supply of Alcohol (Both on and off the premises consumption)

Monday – Sunday 08:00 to 23:00

Opening Hours

Monday – Sunday 08:00 to 23:30

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 those steps on their application within section M.

Representations had been received, and withdrawn following agreements with both Trading Standards and the Police to amend and add to the conditions as follows:

6.3.1 Prevention of Crime and Disorder

1]Colour digital CCTV, with a picture quality capable of being used for evidence, will be installed with coverage of all internal areas of the premises, including point(s) of sale and all entrances/exits, and where outside seating is provided. The CCTV will be operational at all times the premises is open to the public.

2]CCTV recordings will be retained for a minimum of 31 days and made available in a viewable format to any authorised authority on request.

3]When the premises is open to the public there will always be a member of staff on site who is trained in the operation of the CCTV system and is able to provide recordings in a viewable format to any authorised authority on request.

4]There will be signage in the premises, clearly visible to members of the public, which states that CCTV is in operation.

5]The Premises will have a zero tolerance to drugs policy, the police will be informed if anyone is found in possession of controlled substances.

0] 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.

1] 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 Protection of Children from Harm

1] A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.

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

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

4] 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.

7. **Representations received (Responsible Authorities)**

7.1 As per paragraph 6, the Police requested amendments to the CCTV conditions and additional conditions for a drugs policy.

7.2 As per paragraph 6, Trading Standards requesting the wording to be amended around challenge 25 conditions.

8. **Representations received (Other Persons)**

8.1 Three objections have been received from other persons, who have concerns in respect of the four licensing objectives. The representation map displays the location of representations in relation to the premises. (A copy of the 'other persons' location map can be found at **Appendix E**).

8.2 Principally the concerns relate to the noise, loitering and crime from the premises. (Representations can be found at **Appendix F – H**).

8.3 All aspects of representations have been accepted, for consideration, giving the benefit of the doubt to the person/s making the representation to allow them to amplify or clarify at the hearing.

8.4 The Public Protection Officer encouraged and supported 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 and accordingly amended.

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 6.3 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
<https://www.legislation.gov.uk/uksi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
<https://www.legislation.gov.uk/uksi/2005/78/made>

Application form and plan
 Copies of representations received

Cabinet Member (Portfolio Holder)
 Cllr E. Potter

Local Member/s
 Cllr A. Mosley

Appendices
 Appendix A – Location map
 Appendix B – Location photographs
 Appendix C – Application
 Appendix D – Premises plan

Appendix E – Location of ‘other persons’ representation map

Appendix F – Representation D. Carter

Appendix G – Representation R. Herbert- Lade

Appendix H – Representation J. Herbert- Lade