



Licensing Sub-Committee
Thursday 16th February 2023

Wilfred Owen room -
Shirehall

Item

Public

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 full variation to a Premises Licence.

Premises: Community Pavilion, Llanfair Waterdine, Shropshire, LD7 2TU

Shropshire Council being the authorised licensing authority for the above premises has received an application for a full variation. (A location map 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 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 variation at Community Pavilion, Llanfair Waterdine, Shropshire, LD7 2TU.

6. Background

6.1 Llanfair Waterdine Community Trust have made an application for a variation of their premises licence, located within 200m of the Welsh border in the rural village of Llanfair Waterdine in South Shropshire.

The current premises licence allows exhibition of films (indoors) and supply of alcohol for consumption on the premises only, which is the internal area and external terrace.

The original licence was granted in January 2021 after a hearing was held due to outstanding representations off 'other persons', the current licence was then varied in April 2021; although representations were received no hearing

was held as the application was a minor variation to clarify an admin error on the original plan of the premises, namely the terrace.

The applicant believes they have proved capable of running weekly social and alcohol events which benefit the entire community, but the current Annex 3 conditions (added on the original new premises licence application by the sub-committee in January 2021) make it difficult for them to operate fully and they feel that all those conditions are no longer necessary.

From a Licensing perspective there was an indirect complaint in July 2021 that we were made aware of, this related to loud disturbances from the premises on a Friday evening. Officers monitored the following week, talking and laughing could be heard but no disturbance to report.

During consultation, amendments have been made by the applicant due to representations received off namely Environmental Protection.

- 6.2 The existing premises licence (**Appendix C**) and Plan (**Appendix D**) permits the following:

Opening hours

Monday to Sunday 08:00 – 23:00

Supply of alcohol (on sales)

Monday to Sunday 12:00 – 22:30

Exhibition of Films (Indoors)

Monday to Sunday 08:00 – 23:00

- 6.3 The variation application (**Appendix E**) and proposed Plan (**Appendix F**) seek to amend the following:

- To extend opening hours and supply of alcohol by 1 hour 30 minutes daily.
- Add 'off sales' to enable customers to consume in the boules and surrounding lawns.
- Remove all Annex 3 conditions from the licence.

Opening hours

Monday to Sunday 08:00 – 00:30

Christmas Eve and New Year's eve into the following day 08:00 – 01:00

Supply of alcohol (both on and off sales)

Monday to Sunday 12:00 – 00:00

Christmas Eve and New Year's eve into the following day 08:00 – 00:30

6.4 The applicant has requested to remove all Annex 3 conditions:

1. *The opening hours for the premises to be reduced to 23:00 Monday to Sunday.*
2. *All Windows and doors shall be closed between 21:30 and 08:00 except for access and egress.*
3. *A Trustee / member of the Management Committee is to be on the premises for all licensable activities after 19:00 and for all activities before 19:00 a Trustee / member of the Management Committee will be contactable by telephone.*
4. *All Trustees / members of the management committee, who will be present at the premises as per Condition 3, must be first aid trained.*
5. *All Trustees / members of the management committee, who will be present at the premises as per Condition 3, must have annual training on fire evacuation procedures.*
6. *At least one Trustee / member of the management committee is to hold a personal licence.*
7. *Signs are to be affixed at the premises stating that all alcohol must be consumed within the premises or on the terrace only.*

6.5 In addition, within the application the applicant has also identified additional conditions to promote the four licensing objectives. The operating schedule details that the following steps would be taken:

6.5.1 General

Management committee will ensure committee member is onsite for licensable activities unless carried out by third party with a personal licence.

6.5.2 Public Nuisance

Signs to fix at premises, terrace and boules court as defined by plan

7. Representations received (Responsible Authorities)

7.1 Representations had been received off Environmental Protection and then withdrawn.

Environmental Protection were concerned about the noise nuisance as the building (premises) is in a very rural location with low background noise levels. Noise from both music and people can travel a considerable distance and he noted that there are a number of properties in the vicinity, the closest property being approximately 80m away.

In order to ensure that there is no noise break out from the building (premises) likely to cause a public nuisance the following conditions were requested:

- To retain - Prominent, clear and legible notices will be displayed at all exits requesting the public respect the needs of nearby residents and to leave the area quietly
- *Windows and doors shall be closed between 21:30 and 08:00 except for access and egress.*
- *The outside area (which includes the boules and lawned area) shall be cleared of all patrons by 23:00 and remain clear until the end of trading.*

7.2 Planning made comment only:

From a planning perspective they had no adverse comments on the application, there are no planning conditions restricting opening hours etc. which would need to be varied.

7.3 There are no outstanding representations from Responsible Authorities.

8. Representations received (Other Persons)

- 8.1 Six 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 G**).
- 8.2 Principally the concerns relate to the removing of conditions, additional hours, the noise that would be generated, management of lawned area and off sales consumption in neighbouring areas. (Representations can be found at **Appendix H** 1 to 6).
- 8.3 15 supporting representations have also been received off members of the public who believe the application is positive for the community. (Representations in support can be found at **Appendix I** 1 to 15)
- 8.4 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.
- 8.5 The Public Protection Officer encouraged and supported the applicant 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 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 as detailed in paragraph 6 and amendments/additions/conditions as agreed with authorities detailed in paragraph 7 of this report would need to be included in the licence, if deemed necessary, 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)

Licensing Act 2003

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under section 182 of the Licensing Act 2003 (December 2022)

[Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

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>

Shropshire Council Licensing Policy 2019 – 2024

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

Cabinet Member (Portfolio Holder)

Cllr Richard Marshall PFH (Highways and Regulatory Services)

Local Member/s

Cllr N. Hartin

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Current licence

Appendix D – Current plan

Appendix E – Full variation application

Appendix F – Proposed plan

Appendix G - Location of 'other persons' against representation map

Appendix H (1 - 6) – Representations against

Appendix I (1 – 15) – Supporting representations