



**Licensing Sub -
Committee
5 February 2024
Wilfred Owen Room**

Item

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer:	Ross O'Neil, Public Protection Officer (Specialist)		
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Cabinet Member (Portfolio Holder):	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

1. Summary

To consider an application for a new Premises Licence.

Premises: Gather, Unit 2, SY8 Studios, Gravel Hill, Ludlow, SY8 1FP

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 11.

That the Sub-Committee provides the reasons for its decision.

Report

3. Risk Assessment and Opportunities Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Climate Change Appraisal

No effect.

6. Purpose of report

To consider an application for a new Premises Licence for Gather, Unit 2, SY8 Studios, Gravel Hill, Ludlow, SY8 1FP (A copy of the location map and location photographs can be found at **Appendix A and B**).

7. Background

- 7.1 Art- Iculate (Shropshire) Ltd have made an application for a new premises licence for Unit 2 of SY8 Studios, which is a detached two storey building accessed via

Ludlow Community Hospital entrance. (A copy of the application and plan can be found at **Appendix C and D**).

The applicant's proposal is to run a cowork and small events space, along with a shop. Alcohol purchased would be for consumption on and off the premises, with the provision of films to be shown predominantly from the first floor for approximately 10- 20 people.

7.2 The requested licensable activities and opening hours are:

Supply of Alcohol (Consumption on and off the premises)

Monday to Saturday 12:00 till 23:00

Sunday 12:00 till 22:00

Films (Indoors)

Monday to Friday 17:00 till 22:00

Saturday and Sunday 09:00 till 22:00

Opening Hours

Monday to Saturday 08:00 till 23:30

Sunday 08:00 till 22:30

7.3 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 of the application.

Representations were received off authorities and then withdrawn following agreements between the applicant and Environmental Protection, Trading Standards, Police and Public Health.

Planning made comments only.

7.4 A document to show all agreed conditions and times between applicant and authorities, including unamended conditions from the application form has been produced for clarity and to prevent duplication. (A copy of the 'consolidated proposed conditions and times' can be found at **Appendix E**).

8. Representations received (Responsible Authorities)

8.1 Police agreed:

Prevention of Crime and Disorder

1. Colour digital CCTV, with a picture quality capable of being used for evidence will be installed to cover point(s) of sale, entrances / exits and any external areas used for licensable activities or where outside seating is provided. The CCTV will be always operational the premises is open to the public.
2. CCTV recordings will be retained for a minimum of 30 days and made available in a viewable format to any authorised authority on request. On request means at the time of the request, in a format which is viewable remotely and not dependent on the premises CCTV system.
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 Licence Holder shall display notices at the entrances to the premises advising attendees that the police will be informed if anyone is found in possession of controlled substances.
6. 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.
7. 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.
8. There will be a duty of care policy formulated towards persons who are refused admission or who are ejected from the premises.
9. Incidents of crime and / or disorder will be recorded and reported to police as soon as practicable. Copies of these records will be provided to any authorised authority on request. The record will contain full details of persons reporting and any victims along with times and circumstances of the incident.
10. A log shall be kept detailing all refused alcohol sales.
11. Vertical Drinking of alcohol shall not be permitted.

8.2 Public Health stated and agreed:

I understand that times have been reduced by environmental health, and in view of the location of the proposal, I would be supportive of this measure. Similarly as a means of minimising any disruption and any risk in relation to the health and wellbeing of hospital patients, I would agree with conditions whereby there would be a closed door, no-walk-ins, pre-book policy in relation to this application.

Public Safety

1. Details of local taxi firms to be displayed to customers within the main retail area of the premises.

8.3 Environmental Protection stated and agreed:

Acting as the Responsible Authority of the Licensing Objective the Prevention of Public Nuisance I have considered the application in some detail taking into account the fabric of the building and its proximity to the hospital. I am of the opinion that the application undermines the aforementioned objective and therefore have to formally object to a Premises Licence being granted. I would however withdraw my objection with immediate effect if the following changes / condition were agreed to be added to the operating schedule.

Prevention of Public Nuisance

Changes to Applied for Times:

Closing time to be reduced from 23:30 Hours to 22:30 Hours.

Supply of Alcohol (on-sales) reduced from 12:00 - 23:00 to 12:00 – 21:00

Supply of Alcohol (off-sales) reduced from to 12:00 – 23:00 to 12:00 - 17:30

Additional Conditions:

1. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers or drinking vessels.
2. Consumption of alcohol shall be confined to the area of the building that is Licenced.
3. Entry to members of the public after 18:00 shall be restricted to individuals with pre-booked tickets / places and entry to individuals who turn up without a prior booking will be refused.
4. All windows and doors facing towards the hospital site (i.e. those windows and doors that face East) shall be kept closed except for immediate ingress and egress.
5. No waste or refuse shall be placed into external waste bins after 20:00.
6. Heavy duty curtains to be drawn across all windows and glazed doors in any room where Films are being shown.
7. Clear and legible notices will be prominently displayed by exits to remind customers to leave quietly and have regard to our neighbours.
8. No events involving amplified sound shall take place until secondary glazing has been added to all windows and glazed doors in the Licensed area that face towards the hospital site (i.e. face East). For clarification the use of small portable devices such as a radio, phone or laptop which may provide low level background sound for personal enjoyment as opposed to providing entertainment as part of an event would be permitted without the need to enhance the sound insulation characteristics of the glazing.

8.4 Trading Standards agreed:

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 Challenge 25 procedures, proxy sales and individuals' responsibilities under the Licensing Act 2003 will be held for all persons involved in the supply of alcohol, prior to engaging in the serving of alcohol and within 14 days of them commencing this role.
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.

8.5 Planning stated:

In commenting on the above mentioned licensing application as a responsible authority I can advise that planning do not object to a licence for the sale of alcohol being issued.

With that being said the Planning Permission in relation to the '*Change of use of Unit 2 from Class E to a mixed use of Class E and Class F and erection of a flue*' under planning application 23/05098/COU, has not yet been determined and therefore the applicants are reminded that should planning permission be granted with conditions, this could impact what they have applied for within this application and any planning conditions must be adhered to regardless of what has been granted as part of the Licensing application.

9. Representations received (Other Persons)

- 9.1 18 representations were received against the application, one has since withdrawn and another withdrawn their concerns in relation to the on sales aspect of the application. Representations 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' against location map can be found at **Appendix F**).
- 9.2 Principally in relation to the four licensing objectives these relate to the potential noise nuisance, proximity to the hospital and concerns of anti- social behaviour that could be caused from the venue having a premises licence. (Representations can be found at **Appendix G** 1 to 17).

- 9.3 12 supporting representations have also been received, who believe the application is positive for community. (Representations in support can be found at **Appendix H 1 to 12**).
- 9.4 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 at the hearing.
- 9.5 The applicant contacted all 'other persons' in an attempt to clarify the application. (Applicants supporting information can be found at **Appendix I**).

10. Options for Consideration

- 10.1 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
- 10.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 7 and subsequent amendments/ additions in paragraph 8 of this report would need to be included in the licence, if deemed necessary and appropriate, with a justified decision.
- 10.3 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.
- 10.4 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.

11. Standard of Decision Making

- 11.1 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.
- 11.2 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

- 11.3 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.
- 11.4 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

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/revised-guidance-issued-under-section-182-of-licensing-act-2003)

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>

Local Member: Cllr A. Boddington

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Consolidated proposed conditions and times

Appendix F – Location of ‘other persons’ against representation map

Appendix G (1- 17) – Representations against

Appendix H (1- 2) – Representations in support

Appendix I – Applicants supporting information