



**Licensing Sub -
Committee
24 July 2024
Shrewsbury and
Oswestry Rooms**

Item

Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer:	Ross O'Neil, Public Protection Officer (Specialist)		
email:	ross.oneil@shropshire.gov.uk	Tel:	0345 6789026
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: Bobby's, 25/ 26 The Parade, St Mary's Place, Shrewsbury, SY1 1DL

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 2024 - 2029.

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 Bobby's, 25/26 The Parade, St Mary's Place, Shrewsbury, SY1 1DL (A copy of the location map and location photographs can be found at **Appendix A and B**).

7. Background

- 7.1 Mr Aaron Brown has made an application for a new premises licence at units 25 and 26 The Parade, which is a multi-story building with both retail and residential

accommodation (The Court) situated on St Mary's Place in the Town Centre of Shrewsbury. (A copy of the original application and original plan can be found at **Appendix C and D**).

Both units will become one and are accessible via the shopping centre, which is predominantly open Monday to Saturday 09:00 – 17:15 hours. Unit 25 is the larger of the two and is accessible via a rear door off the terrace/ car park area. The premises is East facing and borders a sloped grassed area adjacent to the River Severn with residential properties in the vicinity.

The applicant's proposal is for a tapas bar, originally requesting to licence the two units and the outside terrace for alcohol sales for consumption on and off the premises and the provision of live music, recorded music and anything of a similar description both indoors and outdoors.

7.2 The requested licensable activities and opening hours were:

Supply of Alcohol (Consumption on and off the premises)

Monday to Saturday 08:00 till 23:30

Sunday 08:00 till 22:30

Live music, recorded music and anything of a similar description (Indoors and outdoors)

Monday to Saturday 23:00 till 00:00

Opening Hours

Monday to Saturday 08:00 till 00:00

Sunday 08:00 till 23:00

Additional hours requested bank holiday Monday and Sundays, Christmas, Eve Boxing Day and New Years Eve for all activities till 02:00 hours the following day.

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, Trading Standards and Police.

Environmental Protection and the applicant have come to a partial agreement, while Planning made comments only.

- 7.4 A document to show all agreed conditions and times between applicant and authorities, including relevant amended 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 all internal areas of the premises to which public have access (with the exception of the toilets), including point(s) of sale and all entrances/exits, and any external areas used for licensable activities or where outside seating is provided.
2. The CCTV will be operational at all times the premises is open to the public.
3. CCTV recordings will be retained for a minimum of 1 calendar month 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.
4. 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.
5. There will be signage in the premises, clearly visible to members of the public, which states that CCTV is in operation.
6. 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.
7. 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.
8. The Premises Licence Holder shall make suitable arrangements with the police for the collection of any found drugs as soon as possible after they are found.
9. There will be a duty of care policy formulated towards persons who are refused admission or who are ejected from the premises.
10. 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.
11. The need for door staff shall be risk assessed by the designated premises supervisor and employed when the risk assessment deems it necessary. Advice from West Mercia Police will be taken when formulating the risk assessments. These risk assessments will be recorded and kept for a period of 12 months and made available to any authorised authority on request.
12. The sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.
13. Staff will monitor those customers leaving to use the external toilets at times the attached shopping centre is closed to the public.

14. At times the attached shopping centre is closed to the public staff will conduct toilet checks (at least 2 per hour).

15. Staff will ensure there is no consumption of alcohol within the communal areas of the shopping centre.

16. Staff will ensure there is no loitering within the communal areas of the shopping centre at times it is closed to the public.

17. Any cutlery or tableware provided for any outside area will only be provided when needed and not left on tables.

18. Any outdoor area will be monitored by staff when in use. Staff will ensure that patrons in these areas behave in an orderly and considerate manner.

19. Staff will ensure no vertical drinking takes place in any outdoor area, to prevent any risk to customers and the public.

8.2 Environmental Protection to date agrees:

Public Nuisance

That the terminal hour for trading to be reduced from midnight to 23:00 daily, to facilitate 30 minutes drinking up time final alcohol sales to be at 22:30 and the Licensed area (red line as per plan) to be reduced to just the building. The external terrace area to be a consumption area to be shown as a blue area on the revised plan.

General

1. Alcohol can only be served with a meal / light snack, or as an ancillary item before and/ or after a meal / light snack.

2. No noxious smell emanating from the premises shall give rise to a significant negative impact to residents of nearby properties

Terrace

3. No alcohol to be taken off site in open vessels or containers except for consumption in the external terrace area as shown in the plan.

4. Alcohol can only be served with a meal / light snack, or as an ancillary item before / or after a meal / light snack

5. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables (i.e. no vertical drinking)

6. There will be no fixed speakers or recorded music in the external terrace area.

7. Any external lighting will be designed and positioned to avoid causing Light Nuisance to nearby residents.

8.3 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.

8.4 Planning stated:

Following receipt of above enquiry, I have looked into the site history and I can confirm that in 1983 unit A&B (lower ground floor only) gained planning approval for the change in use to wine bar and restaurant, the approval notice did not stipulated any restrictive conditions, however the approval relates to the ground floor units only and does not cover the outside space (as detailed in the location plan submitted with the enquiry). Additionally the approval did not extend to the sale of food or alcohol for consumption off the premises.

Therefore due to the additional site area to which the licencing enquiry relates and the proposed sale of food and/or alcohol for consumption off the premises, formal planning approval will need to be applied for.

Officers note that residential units are present within the locality and planning policies protect neighbouring residential amenities from any potential harm / disturbance, therefore I could not say at this stage if a application would be supported.

9. Representations received (Other Persons)

- 9.1 79 representations were received against the application, six have since been withdrawn following the applicant's submission of supporting information. Other persons have concerns in respect of the four licensing objectives. The representation map displays the general locations of representations in relation to the premises. (A copy of the general location of representations map can be found at **Appendix F**).
- 9.2 Principally concerns are in relation to the four licensing objectives these relate to the potential noise nuisance from patrons and regulated entertainment outside, particularly in evenings following the closure of the shopping centre. Odour concerns due to the proximity of the premises to residential properties and concerns of anti- social behaviour that could be caused from the premises having a premises licence. (Representations can be found at **Appendix G** 1 to 73).
- 9.3 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 at the hearing.

- 9.4 The applicant wrote to all ‘other persons’ to clarify the application and confirm additional agreed conditions with authorities including a revised plan of the premises, reducing the licenced area indoors. (Applicants supporting information at close of consultation can be found at **Appendix H**, new revised plan **Appendix I**).
- 9.5 Environmental Protection have also submitted supporting information, detailing concerns that the application in its current form will undermine the licensing objectives and the additional measures requested to satisfy their concerns (Supporting information can be found at **Appendix J**)
- 9.6 Haines and Walters, who submitted representations as ‘other persons’ have also submitted further supporting information in response to the applicant (Supporting information can be found at **Appendix K**)
- 9.7 The applicant has since submitted a brochure and video for consideration (Found at **Appendix L (1) and (2)**)

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 2024 – 2029
[statement-of-licensing-policy-2024-to-2029.pdf \(shropshire.gov.uk\)](#)

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

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 N. Green

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 – General location of representation map

Appendix G (1- 73) – Representations

Appendix H – Applicants supporting information at close of consultation

Appendix I – Revised premises plan

Appendix J – Environmental Protection supporting information

Appendix K – Haines and Walters supporting information

Appendix L (1) - Applicants supporting information brochure

Appendix L (2) - Applicants video to support brochure