



**Licensing Sub -
Committee
3 September 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: Baker & Cook, 58 Sheinton Street, Much Wenlock, TF13 6HU

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 Baker & Cook, 58 Sheinton Street, Much Wenlock, TF13 6HU (A copy of the location map and location photographs can be found at **Appendix A and B**).

7. Background

- 7.1 Andrew and Sarah Smyth have made an application for a new premises licence for the ground floor at 58 Sheinton Street, Much Wenlock which is a two-story building

with and residential accommodation above, situated in the Town Centre of Much Wenlock. (A copy of the original application and original plan can be found at **Appendix C and D**).

The applicant's proposal is for a small bakery, deli and coffee shop with the option for alcohol sales to allow consumption on and off the premises for approximately 20 – 30 covers. Although the applicant has requested recorded music and late night refreshments on the application, these are not licensable activities until after 23:00 hour due to the size of the premises.

7.2 The requested licensable activities and opening hours:

Supply of Alcohol (Consumption on and off the premises)

Monday to Saturday 11:00 till 21:00

Sunday 12:00 till 21:00

Opening Hours

Monday to Saturday 08:00 till 22:00

Sunday 08:00 till 21:30

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, Trading Standards and Police.

8. Representations received (Responsible Authorities)

8.1 Police withdrew after agreeing to:

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, including point(s) of sale and all entrances/exits, and any external areas used for licensable activities or 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 30 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 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. Alcohol can only be served with a meal or as an ancillary item to a meal.
9. The Sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.

8.2 Trading Standards withdrew after agreeing to:

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.

8.3 Environmental protection stated:

Early finish time, no objections or comments.

9. Representations received (Other Persons)

- 9.1 Two representations were received against the application who have concerns in respect of the four licensing objectives, while five representations have been received in support of the application. 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 E**).
- 9.2 Principally concerns are in relation to the four licensing objectives relate to the potential noise nuisance from the premises and patrons, particularly in evenings along with the additional of off sales from the premises. The supporting comments are in relation to belief that a premises licence at the location would benefit the community as the applicants already have a well- run business in the Town. (Representations can be found at **Appendix F** 1 to 7).
- 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.

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 D. Thomas

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – General location of representation map

Appendix F – (1- 7) – Representations