



**Licensing Sub -
Committee
7 January 2026
Council Chamber**

Item

Public

LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

Responsible Officer:		Ross O'Neil, Public Protection Officer (Specialist)	
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Cabinet Member (Portfolio Holder):		Councillor Bernie Bentick Portfolio Holder for Health	

1. Summary

Mikey's, 4 Delph Side, Broseley, Shropshire, TF12 5EP

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 Mikey's, 4 Delph Side, Broseley, TF12 5EP (A copy of the location map and location photographs can be found at **Appendix A and B**).

7. Background

- 7.1 Michael Atherton has applied for a new premises licence at his café, located at 4 Delph Side, Broseley adjacent to the High Street and situated near other retail units and residential accommodation in and around the vicinity of Broseley. (A copy of the original application and original plan can be found at **Appendix C and D**).

The premises is to be a café/ bar which will be accessed via Delph Side, the applicant proposes to licence the ground floor and there is a small area to the front of the premises that the applicant proposes to provide tables and chairs for patrons. It is understood the pavement is owned by the Parish Council and the applicant has indicated this will not form part of the licensed premises; however, he has applied for the addition of 'off sales' which would allow sales of alcohol for consumption off the licensed premises.

- 7.2 The requested licensable activities and opening hours:

Supply of Alcohol (Consumption on and off the premises)

Monday to Wednesday 12:00 till 22:00

Thursday and Saturday 12:00 till 22:30

Sunday 12:00 till 21:00

Opening Hours

Monday to Saturday 09:00 till 23:00

Sunday 10:00 till 22:00

- 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 responsible authorities, namely trading standards, police and environmental protection. They subsequently withdraw their representations after agreeing addition conditions for the licence with the applicant.

Planning submitted representations, but it was comments only.

- 7.4 A document to show all agreed conditions between the applicant and authorities to date, including any relevant conditions submitted on 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, at a minimum, point(s) of sale and all entrances/exits. The CCTV will be operational at all times the premises is open to the public. CCTV will be security protected and have a constant and accurate time and date stamp.

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. Toughened, polycarbonate or plastic “glassware” will be used for any drinks to be consumed outdoors.

6. Any outside furniture used by premises will be removed and stored securely when not in use.

7. Any outside tables used by premises will be kept clear of empty receptacles.

8. Cutlery / tableware for any outside areas will only be provided when needed and not left on tables.

9. Staff will ensure no vertical drinking takes place in any outdoor areas used by the venue.

10. Any external storage areas used by premises will remain locked and always secured with no access to the public.

11. 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.

12. All persons authorised for the sale of Alcohol will be defined in a written document. This will detail who is authorised the sale of alcohol and evidence that the staff member has been trained to spot underage drinkers. This document will be signed by both the staff member and the DPS. This document will be left on site and will be made available to the police, local authority or any other relevant authority seeking inspection or a copy.

13. There will be a duty of care policy formulated towards persons who are refused admission or who are ejected from the premises.

14. 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.

15. 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.

16. The Premises shall have a policy around spiking. Such policy will ensure appropriate training is provided to staff as well as consideration around providing anti-spiking bottle stoppers / protective drink covers. Consideration will also be given to the provision of drug / spiking testing kits.

8.2 Environmental Protection agreed:

Public Nuisance

1. The outside area shall not be used outside of the following times: 08:30 to 20:00 hours.

2. All furniture shall be removed from the external area and either stacked by the Premises or stored within the Premises after 20:00 and not put back into the external area until 08:30 hours the next day.

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.

5. All persons under 18 to be accompanied by an adult at all times.

8.4 Planning stated:

No objection, but we would point out that planning permission may be required where the primary use of the property is changing to a bar (as opposed to a shop, café or restaurant as would appear to apply currently).

9. Representations received (Other Persons)

- 9.1 One representation has been received against the application, who has concerns in relation to the four licensing objectives. The representation map displays the general location of representation 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 the venue from people noise and regulated entertainment both during the day and into the evening. (Outstanding representations can be found at **Appendix G**).
- 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 has provided supporting information to clarify the application and concerns raised. (Applicants supporting information can be found at **Appendix H**).

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/uksi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005

<https://www.legislation.gov.uk/uksi/2005/78/made>

Local Member: Cllr C. Bagnall

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application for a new premises licence

Appendix D – Premises plan

Appendix E – Consolidated proposed conditions

Appendix F – General location of representation map

Appendix G – Outstanding representations ‘other persons’

Appendix H – Applicants supporting information