



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 8 February 2023

Committee:
Licensing Act Sub-Committee

Date: Thursday, 16 February 2023
Time: 9.30 am
Venue: Wilfred Owen Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard
Assistant Director - Legal and Governance

Members of Licensing Act Sub-Committee

Peter Broomhall
Garry Burchett

Kevin Pardy

Your Committee Officer is:

Tim Ward Committee Officer
Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting.

2 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

3 Application for a Full Variation to a Premises Licence - Wyle Blue Restaurant, Café Bar, 19 Wyle Cop, Shrewsbury, Shropshire, SY1 1XB (Pages 1 - 64)

Report of the Public Protection Officer (Specialist) is attached, marked 3

Contact Ross O'Neil on 0345 6789026



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)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a full variation to a Premises Licence.

Premises: Wyle Blue Restaurant, Café bar, 19 Wyle Cop, Shrewsbury, Shropshire, SY1 1XB

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 Wyle Blue Restaurant, Café bar, 19 Wyle Cop, Shrewsbury, Shropshire, SY1 1XB.

6. Background

6.1 Belinda Griffiths has made an application for a variation of the premises licence.

The current premises licence is for the external area only of the premises which is situated in the Town Centre of Shrewsbury, surrounded by both residential and commercial properties.

The original licence was granted in May 2021 after a hearing was held due to representations off 'other persons' and the current licence was then varied July 2022; no hearing was held as no representations were outstanding following the consultation period.

From a Licensing perspective there was a complaint in August 2021 which related to multiple breaches subsequently dealt with by Environmental Protection and Planning due to separate legislation and restrictions.

A site visit was conducted prior to the consultation period by the Public Protection Officer as it is expected that the applicant works with the Council in an open and cooperative way and to disclose anything which the Council would reasonable expect to know (27.1 of Shropshire Council's Licensing Policy 2019 – 2024).

The visit allows the applicant to demonstrate their understanding of each of the licensing objectives, which provides the Public Protection Officer with a better understanding of the application and plan to assist liaising with them, responsible authorities or other persons if necessary.

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 (1 April to 30 September)

Monday to Tuesday 10:30 – 17:00
Wednesday to Sunday 10:30 – 20:00

Supply of alcohol (on sales) (1 April to 30 September)

Monday to Tuesday 12:00 – 16:30
Wednesday to Sunday 12:00 – 19:30

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

- Permit supply of alcohol externally for 12 months of the year
- Extend licensable area inside 19 Wyle Cop
- Add 'outside' to condition 9 within Public Nuisance to allow alcohol to be served without a meal or ancillary item inside.
- Add 'internal' to condition 5 within Crime and Disorder to allow CCTV coverage both internally and externally.

Opening hours

Indoors
Monday to Sunday 10:00 – 23:30

Outdoors

Monday to Tuesday 10:30 – 17:00

Wednesday to Sunday 10:30 – 20:00

Non standard hours - New Year's Eve 09:00 until 01:00 on New Year's Day

Supply of alcohol (on sales)

Indoors

Monday to Sunday 11:00 – 23:00

Outdoors

Monday to Tuesday 10:30 – 17:00

Wednesday to Sunday 10:30 – 20:00

Non standard hours – New Year's Eve 09:00 until 01:00 on New Year's Day

- 6.4 The applicant has not identified any current conditions to be removed off the licence.
- 6.5 In addition, within the application the applicant has also identified an additional condition to promote the four licensing objectives. The operating schedule details that the following steps would be taken:
- 6.5.1 Public Safety
Numbers of local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi

7. Representations received (Responsible Authorities)

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

Environmental Protection were concerned about the noise which could be generated in particular towards the properties above shops on the Wyle Cop and residential properties on Dogpole whose gardens adjoin the Terrace area of Wyle Blue. To prevent the external areas of the premises giving rise to a Public Nuisance, namely the Courtyard and Terrace the following were proposed and agreed with the applicant:

- The external areas to the rear of the building (courtyard and terrace) to be cleared of patrons by 17:00 Monday – Tuesday, and 20:00 Wednesday to Sunday.
- A gate to be fitted at the bottom of the metal staircase that leads to the Terrace, and the gate closed and locked at the above times to prevent accesses unauthorised access to the terrace.

- No drinks to be taken into, or consumed in the Courtyard or Terrace after 17:00 Monday to Tuesday , and after 20:00 Wednesday to Sunday.
- The rear door to the building to be closed after 20:00 until the end of trading except for access and egress
- *Alcohol can only be served with a meal, or as an ancillary item before and/or after a meal. This condition does not apply to the main building and is only applicable to the Courtyard and Terrace.*

7.2 Planning made comments only, the applicant has confirmed that they will be operating under a strict table service policy to comply with their current planning permission:

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”.

However based on the information provided in the application to Vary a Premises Licence and the Plan which accompanies the application, it is deemed that the applicant would need to seek Planning Permission for a Change of Use from Class E (shop) to Sui Generis in order to act as a drinking establishment with food provision.

The application form states that the use of the premises will be a restaurant/ café bar with opening hours Monday – Sunday 10:00 – 23:30 serving alcohol between 10:00 – 23:00 hours daily and applies to amend the following condition of the existing licence:

Restrictive condition under Annex 2, no 9 – Alcohol can only be served with a meal outside, or as an ancillary item before and/ or after a meal.

The application form states that the applicant wishes to amend this condition in order for non-reserved walk in guests who may choose to just have a drink.

In light of this, the proposed use is not deemed as a Café/Restaurant as it is believed that this goes beyond the limits of the existing Use Class E. The definition of a café/ restaurant is (For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes), this definition refers to ‘food and drink’ not ‘food or drink’ and therefore for guests to be able to walk in and order drinks only, it is deemed that this would be a drinking establishment with food provision which falls under Use Class Sui Generis. If the Licence is granted and the above condition agreed then the applicant must be mindful that this can not be implemented until they obtain the correct planning permission for change of use at the premises.

The plan provided as part of the application refers to the kitchen of an existing dwelling where a door is to be created from the shop through to the residential kitchen, however both 19 Wyle Cop (the existing shop) and 18 Wyle Cop (residential dwelling) are listed buildings and therefore any internal or external

works required to facilitate this require Listed Building Consent, carrying out works to a listed building without consent is an offence and can result in court action and legal penalties. In light of this I would advise that the applicant contacts Shropshire Council's Historic Environment team via email at prior to carrying out any works.

7.3 There are no outstanding representations from Responsible Authorities.

8. Representations received (Other Persons)

- 8.1 Three 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 premise becoming a pub if the 6 month restriction is lifted from the external part of the current licence, which would then allow customers to congregate in the external area and on Wyle Cop causing a noise nuisance. (Representations can be found at **Appendix H – J**).
- 8.3 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 or clarify at the hearing.
- 8.4 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. (Applicants reply to representations can be found at **Appendix K – M**)

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. Green

Appendices

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Current Licence

Appendix D – Current plan

Appendix E – Application (full variation)

Appendix F – Proposed plan

Appendix G - Location of 'other persons' representation map

Appendix H – Representation and additional supporting page Paul Higgins

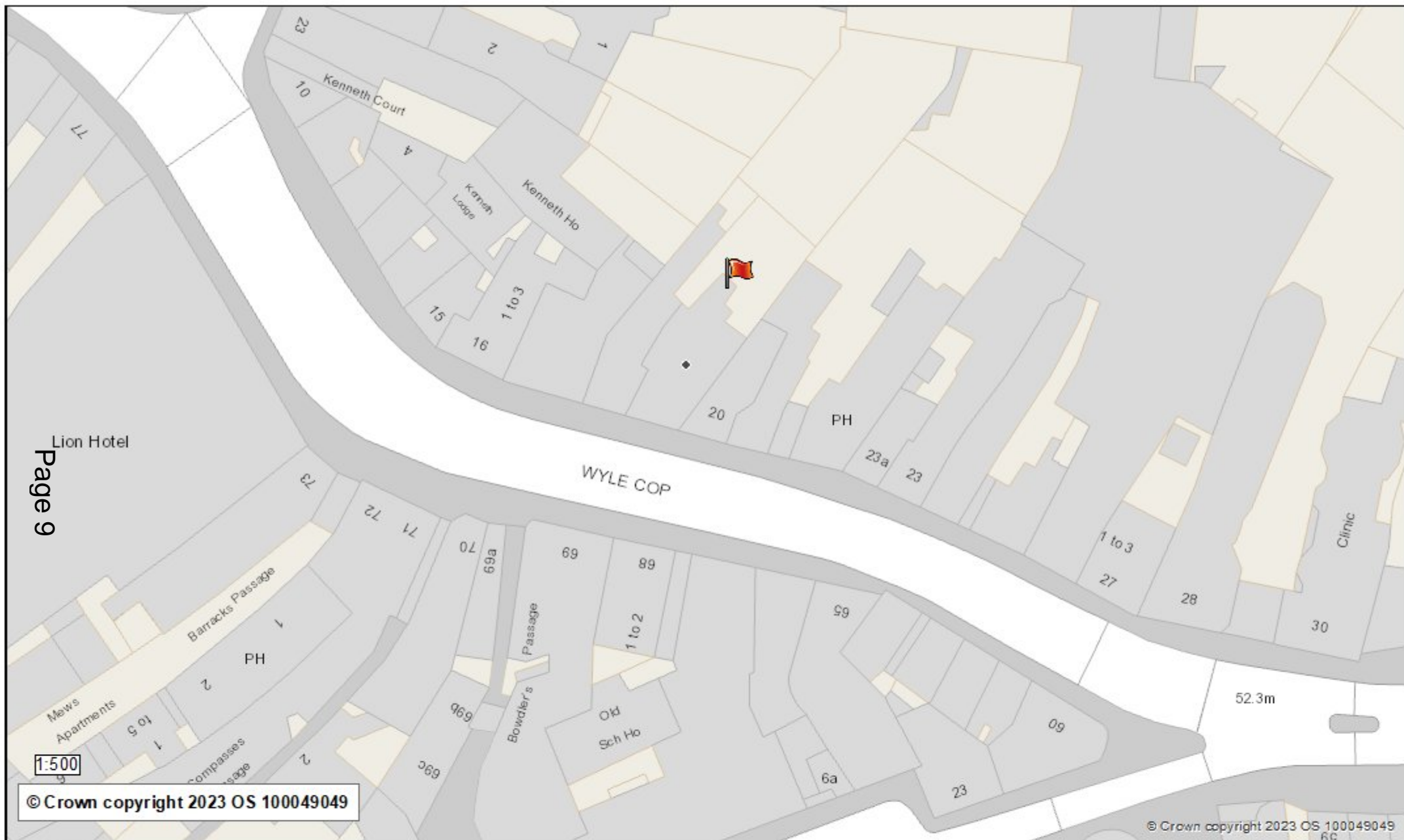
Appendix I – Representation James Lloyd

Appendix J – Representation Alison McKeever

Appendix K – Applicant's response to Higgins

Appendix L – Applicant's response to Lloyd

Appendix M – Applicant's response to McKeever



Wyle Blue (red flag - premises)



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Wyle Blue, 19 Wyle Cop, Shrewsbury



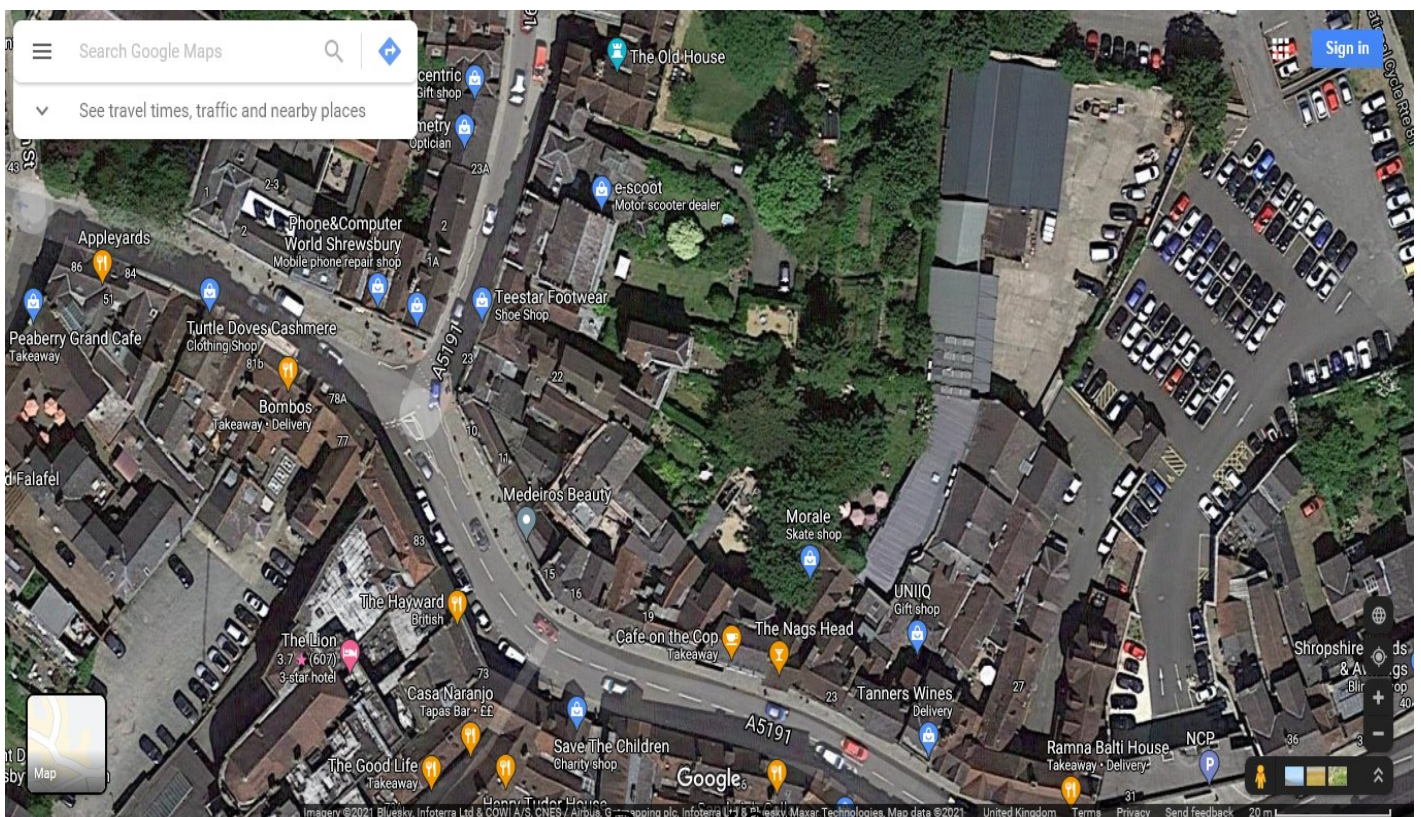
- Front view of the premises -



- Internet photograph of lower walled courtyard garden -



- Internet photograph of the top terraced garden –



- Satellite view of premises on Wyle Cop -

This Licence is Issued by



SC/22/02175/LFVPRE

Premises Licence

Licensing Act 2003

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Blue Bar
19 Wyle Cop, Shrewsbury, Shropshire, SY1 1XB

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday to Tuesday	10:30 - 17:00
Wednesday to Sunday	10:30 - 20:00

Seasonal Details

1 April to 30 September annually

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Tuesday	12:00 - 16:30
Wednesday to Sunday	12:00 - 19:30

Seasonal Details

1 April to 30 September annually

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of premises licence holder

Mrs Belinda Griffiths

19A Wyle Cop, Shrewsbury, Shropshire, SY1 1XB

Page 1 of 8

[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Name, Address and Telephone Number of Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol

Belinda Griffiths

[REDACTED]

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor Where the Premises Licence Authorises for the Supply of Alcohol

[REDACTED]

[REDACTED]

Annexes

Annex 1 – Mandatory Conditions

For the supply of alcohol

No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

For all premises licences and club premises certificate authorising the exhibition of films, access will be restricted only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification.

Admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body so designated.

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

Mandatory Drinks Code Conditions

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or,

(ii) drink as much alcohol as possible (whether within a time limit or otherwise); .

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml.
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Mandatory Price Conditions

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4.—(1) Paragraph 2 applies where the permitted price given by sub-paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Prevention of Crime & Disorder

1. Any incidents of a criminal nature that occur on the premises will be reported to the police. An incident log shall be kept at the premises and made available to any authorised authority on request.
2. 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.
3. 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.
4. 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.
5. Colour digital CCTV, with a picture quality capable of being used for evidence, will be installed with coverage of all external areas used for licensable activities or where outside seating is provided, all point(s) of sale and all entrances/exits. The CCTV will be operational at all times the premises is open to the public.
6. CCTV recordings will be retained for a minimum of 30 days and made available in a viewable format to any authorised authority on request.
7. 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.
8. There will be signage in the premises, clearly visible to members of the public, which states that CCTV is in operation.

Public Safety

1. Details of local taxi firms to be displayed to customers within the main retail area of the premises.
2. All emergency exits shall be kept free from obstruction at all time.
3. Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, fire exit signs as per plan. All appliances will be inspected annually, records kept at the premises and made available to any authorised authority on request.
4. First aid equipment is available on site and maintained to a high standard.
5. Exterior lighting is fitted at the premises. This lighting also highlights the staircases.

Prevention of Public Nuisance

1. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
2. Any rubbish associated with the premises will be cleared up from the front pavement every evening before close.
3. No noise generated on the premises, or by associated equipment, shall emanate from the premises nor vibration be transmitted to cause nuisance to nearby residents.
4. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any person living or carrying on business in the area where the premises are situated.
5. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
7. The roof over the BBQ/ grill area will remain to help deflect smoke/ fumes odour away from residential properties.

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8. No wood burning stoves or other solid fuel cooking appliances to be used.
 9. Alcohol can only be served with a meal, or as an ancillary item before and/ or after a meal
 10. Patrons are not permitted to drink at the bar and have to return to their table(s) once served.
 11. All lighting will be turned off when customers have safely left the premises.
 12. Weekly bin collection to remove all refuse from site.

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 the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol.
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.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans

Plan reference and date: Received March 2021

Licensing Team, Business and Consumer Protection, Place Directorate: Homes and Communities,
Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire SY2 6ND
www.shropshire.gov.uk 0345 678 9026

This Licence is Issued by



SC/22/02175/LFVPRE

Premises Licence Summary

Licensing Act 2003

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Blue Bar
19 Wyle Cop, Shrewsbury, Shropshire, SY1 1XB

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday to Tuesday	10:30 - 17:00
Wednesday to Sunday	10:30 - 20:00

Seasonal Details

1 April to 30 September annually

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply of Alcohol	
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Wednesday to Sunday	12:00 - 19:30

Seasonal Details

1 April to 30 September annually

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on the premises

Name, (registered) address of premises licence holder

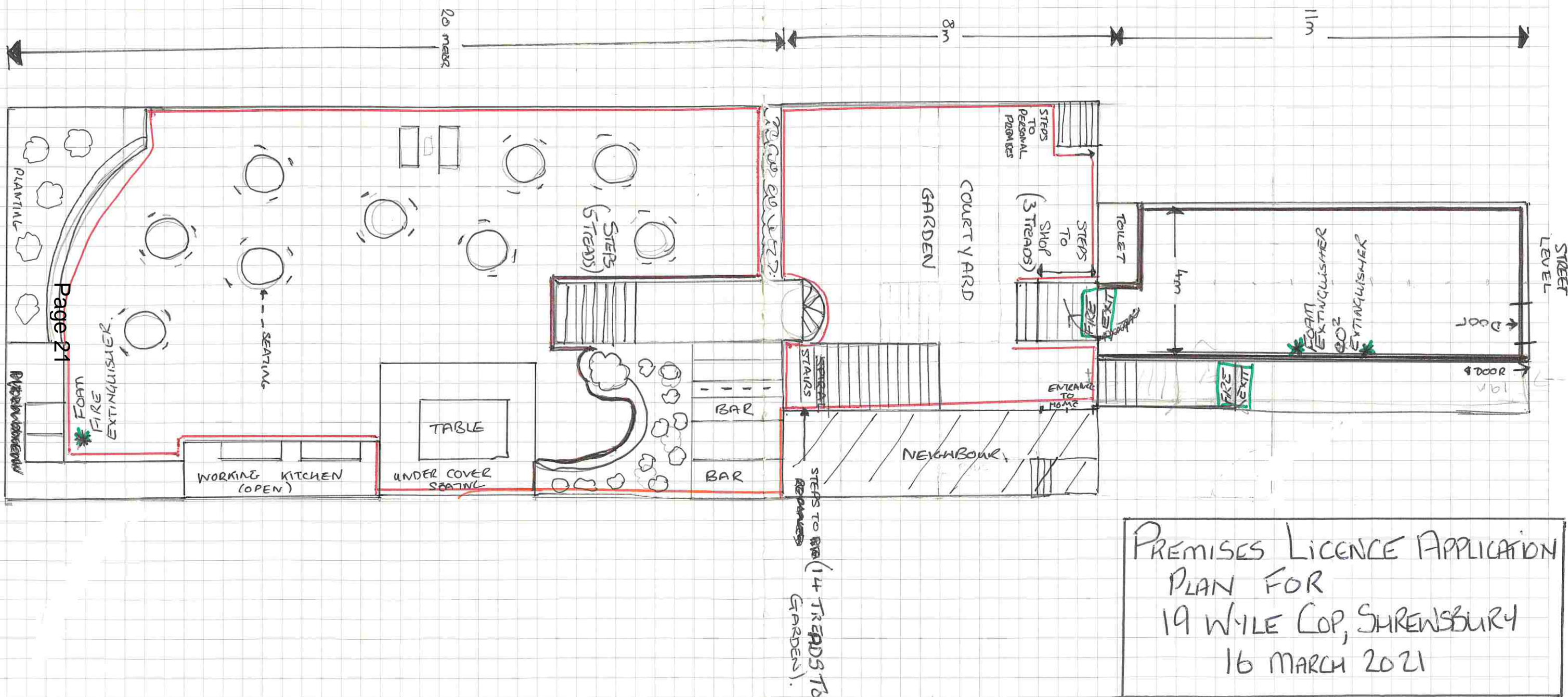
Mrs Belinda Griffiths
19A Wyle Cop, Shrewsbury, Shropshire, SY1 1XB

Registered number of holder, for example company number, charity number (where applicable)

Name of Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol

Belinda Griffiths

Licensing Team, Business and Consumer Protection, Place Directorate:Homes and Communities, Shropshire
Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire SY2 6ND
www.shropshire.gov.uk 0345 678 9026



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Licensing Team
Business and Consumer Protection Service
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND



www.shropshire.gov.uk
0345 678 9026

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

Belinda Griffiths

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	SC/22/02175/LFVPRE
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

19 Wyle Cop

Post town	Shrewsbury
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Postcode	SY11XB
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£ 33,000
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Part 2 – Applicant details

Daytime contact telephone number	
----------------------------------	--

E-mail address (optional)	
---------------------------	--

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late-night levy? (Please see guidance note 1) ☐ Yes ☒ No

The applicant is planning to refurbish the inside of 19 WYLE COP to allow the business to operate as a café restaurant 12months of the year. The premises of 19 WYLE COP is currently used as a retail shop selling home and gifts trading as WYLE BLUE WORLD. In recent years the shop has continued trading through, local flooding, COVID, the energy crisis and now entering a global recession. Unfortunately operating a high street shop is no longer a viable business.

It is for this reason the applicant would like to change the use of 19 Wyle Cop from Class A1 retail to Class A3 restaurant/café bar. It is the intention to utilise the premises by opening a restaurant/café bar offering food, wine, and spirits, operating between the hours of 10am – 11:30pm, seven days a week. The applicant would continue to operate the garden under the current conditions, the trading name of the business will be changing from blueBAR to WYLE BLUE restaurant, café bar.

The WYLE BLUE café restaurant will offer an authentic, ambient, up market but affordable dining experience, serving an array of Middle Eastern and Mediterranean inspired, small plates during the winter and utilising the courtyard and terrace garden April – September as per Belinda's current license

In summary the variation falls into several areas:

- To extend the current licensed area to include the inside of 19 Wyle Cop as shown on the plan attached.
- To extend the opening hours of the premises, being inside the property of 19 Wyle Cop to Monday – Sunday 10.00 – 11:30pm.
- The extension of hours for the sale of alcohol within the premises of 19 Wyle Cop to permit such licensing activity daily 10am– 11:00pm

premises closing to the public 30 minutes thereafter. With the conditions for the garden remaining as is under the current license, Monday – Tuesday 12.00– 16.30, Wednesday to Sunday 12.00 – 19.30.

- For the extension of the licensed operation of 19 Wyle Cop, courtyard and Terrace to permit such licensing activity 12months of the year, to coincide with that of our planning permission. With the conditional hours for the courtyard and terrace set out under our planning permission and license to remain the same.
- To amend the restrictive condition under Annex 2, No.9
"Alcohol can only be served with a meal outside, or as an ancillary item before and/or after a meal"

WYLE BLUE will predominantly operate as a café/restaurant, where guests will be seated at reserved tables. The applicant would like the opportunity to reserve a small area within the premises of 19 Wyle cop for non-reserved walkins guests who may choose to just have a drink, this will however remain table service.

- To change to wording under section ANNEX 2, No.5 to read as follows "colour digital CCTV, with picture quality capable of being used for evidence, will be installed with coverage of all internal and external areas used for licensable activities of where seating is provided, all point(s) of sale and all entrances/exits. The CCTV will be operational at all times when the premises is open to the public.

It is intended that this refurbishment and change will improve the functionality of the business and the area, providing jobs and a new and up to date leisure facility for the local community.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late-night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u> Music will be played indoors 11am – 11pm		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u> Music will be played in the courtyard at a barley audible level as per our planning permission. Music will NOT be played in the Terrace as per our planning permission.		
Thur	11:00	23:00			
Fri	11:00	23:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat	11:00	23:00			
Sun	11:00	23:00			

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="checked" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	11:00	23:00			
Tue	11:00	23:00	The extension of hours for the sale of alcohol within the premises of 19 Wyle Cop to permit such licensing activity daily 10am– 11pm premises closing to the public 30 minutes thereafter. With the conditions for the garden remaining as is under the current license, Monday – Tuesday 12.00– 16.30 , Wednesday to Sunday 12.00 – 19.30.		
Wed	11:00	23:00			
Thur	11:00	23:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	23:00	To Permit the sale of alcohol on New Year's Eve commencing 09:00 until 01:00 on the 2nd January		
Sat	11:00	23:00			
Sun	11:00	23:00			

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late-night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the provision of late-night refreshment (please read guidance note 6)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the provision of late-night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	<p>The extension of hours for the sale of alcohol within the premises of 19 Wyle Cop to permit such licensing activity daily 10am– 11pm premises closing to the public 30 minutes thereafter. With the conditions for the garden remaining as is under the current license, Monday – Tuesday 12.00– 17.00 , Wednesday to Sunday 12.00 – 20.00.</p>
Mon	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	23:30	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Sat	10:00	23:30	
Sun	10:00	23:30	
			To permit opening hours on New Year's Eve commencing 09:00 until 01:00 on the 2nd January

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The business has undertaken its own risk assessment to take the following steps.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below
To change to wording under section ANNEX 2, No.5 to read as follows "colour digital CCTV, with picture quality capable of being used for evidence, will be installed with coverage of all internal and external areas used for licensable activities of where seating is provided, all point(s) of sale and all entrances/exits. The CCTV will be operational at all times when the premises is open to the public.
It is intended that this refurbishment and change will improve the functionality of the business and the area, providing jobs and a new and up to date leisure facility for the local community.

c) Public safety

No further risks have been identified

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

- To amend the restrictive condition under Annex 2, No.9
"Alcohol can only be served with a meal outside, or as an ancillary item before and/or after a meal"
WYLE BLUE will predominantly operate as a café/restaurant, where guests will be seated at reserved tables. The applicant would like the opportunity to reserve a small area within the premises of 19 Wyle cop for non-reserved walkins guests who may choose to just have a drink, this will however remain table service.
- Include numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Checklist:


Please tick to indicate agreement

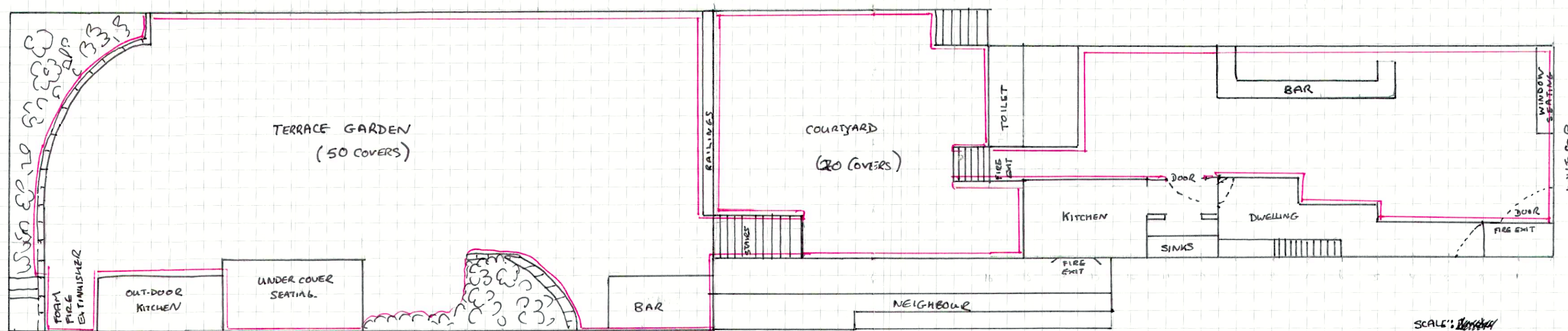
- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late-night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16TH DECEMBER 2022
Capacity	OWNER

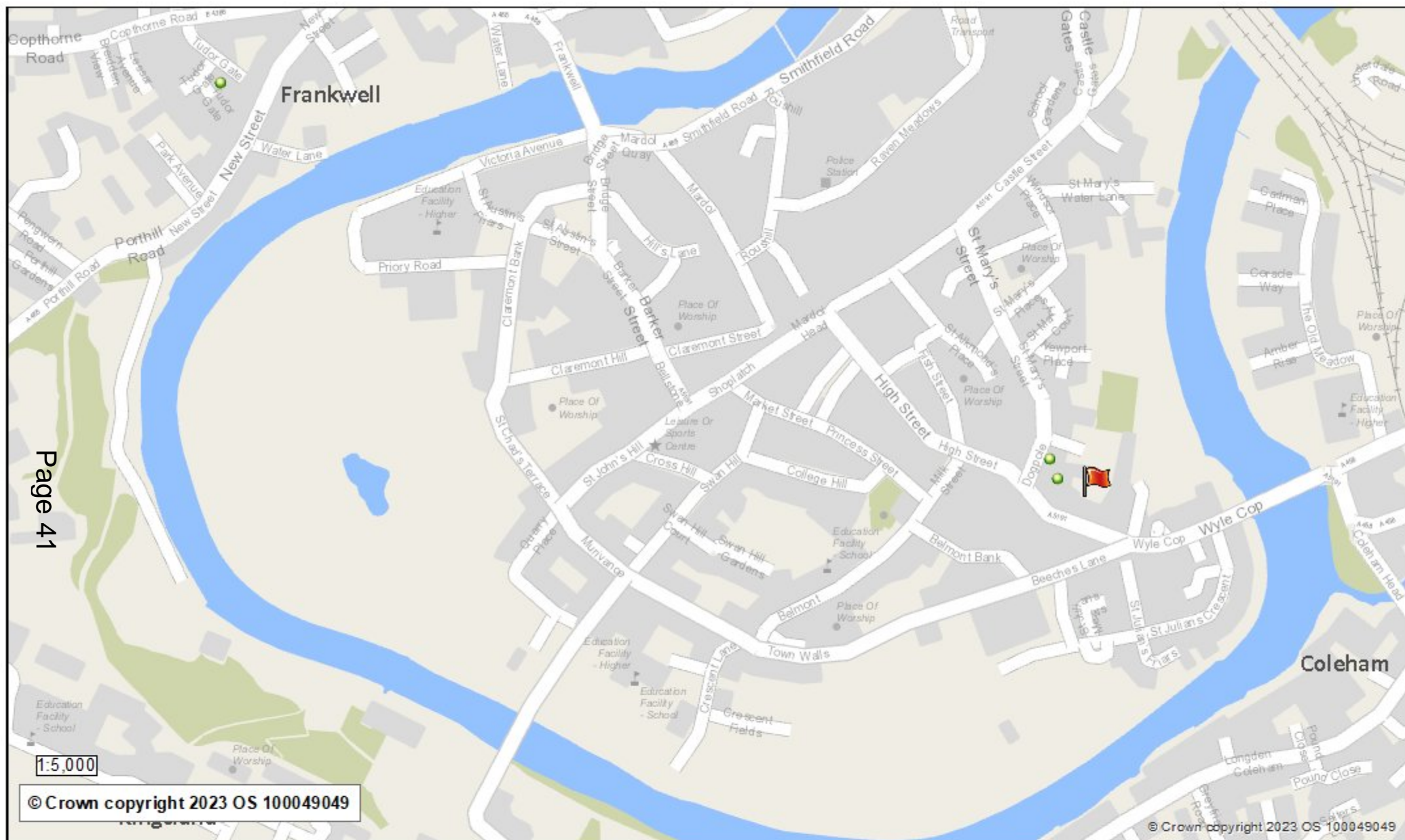


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PREMISES LICENCE APPLICATION VARIATION
PLAN FOR:
19 WYLE COP SHREWSBURY SY11XB
8th DECEMBER 2022

← NORTH

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Wyle Blue (red flag - premises, green dots - representations)



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Application for full variation to a premises licence at 19 Wyle Cop, Wyle Blue World Bar/Restaurant

Licensing Team,
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury SY2 6ND

3 January 2023

Representation: Mr M. P. Higgins

Dear Sir/Madam,

1. Proposed variation to the Premises Licence and related planning application 22/05558/FUL

1.1 I am a neighbour of the business concerned. Full variation of the licence in the terms proposed, namely extending the licensable area internally as in the timings listed (10.00 am to 11.00 pm every day, all year round) and removing the meal condition inside, would contravene the very terms on which the licence was initially granted and further erode the amenity of this conservation area.

1.2 Shropshire Council's *Development Management Report* for the Planning Decision 22/00228/FUL states:

'The proposal as first submitted was for a mixed use including drinking establishment which is a sui generis use.

The application form also indicated **opening hours to 11pm each evening** and **the applicant was advised that both the proposed opening hours and a use that included drinking establishment was unacceptable**. The agent on behalf of the applicant confirmed agreement to the change of the description and a condition to restrict the opening hours to 7pm.' 22_00228_FUL-OFFICER_REPORT-4579210 paras 1.2 and 1.3 (March 2022).

When considering the variation to the planning decision 22/00228/FUL VAR, which involved extending hours and allowing music to be played, Shropshire Council's related *Development Management Report* stated the following about an impending application for a drinking establishment on the site:

'RS officers have now visited the premises and have also confirmed that an application to **vary the premises licence which permits the sale of alcohol has also been submitted**. It is proposed that the variation to the licence will restrict the sale of alcohol to accompany food only and therefore customers will **not** be able to order alcoholic drinks and not food. This would be **in accordance with the planning permission** which is for use as a cafe/restaurant **and not a drinking establishment**.' 22_02816_VAR-OFFICER_REPORT-4700824 para. 6.1.4 p. 4 (August 2022).

This latest proposal, to expand and extend the licence in hours and scope, is a cynical attempt to undermine the very basis for the approval of the planning decision in the first place and to create through the licensing route what has repeatedly been refused through planning decisions, namely a late night 'drinking establishment' on site, **the effects of which could not be confined internally**.

1.3 The planning application '22/05558/FUL/Erection of a free standing timber framed building to house toilet and baby changing facility' is linked to this application to vary the licence. The changes proposed would result in a significant increase in the consumption of alcohol on the site requiring this need for more toilets. Should the planning application be granted and the licence variation permitted, then customers will be using the outdoor areas (e.g. the toilet facilities and for smoking) throughout the duration of the indoor hours, i.e. until 11.00 pm, making the restriction of hours stipulated in the planning decisions for the outdoor areas (22/00228/FUL and VARIATION) **impossible to uphold**. The Licence Variation would also significantly compromise the licensing objectives, which have been undermined during the tenure of the business to date.

2. The prevention of crime and disorder

2.1 Extending the licence internally and removing the meal condition would create another late night bar by default. The last thing the area needs is yet more noise and disturbance late at night from a bar. There are enough bars already operating in the area and a recent application for a nearby address was turned down on this basis. The planning application 22/05558/FUL and accompanying licence variation evidently anticipate **an increase in drinking without food on site**, with all the related problems that will ensue as a result in terms of noise, drunkenness and anti-social behaviour.

2.2 The danger of noise and anti-social behaviour is not an idle one. For instance on 19-20 September 2021 disturbance from this business extended into the early hours with music being played and foul language being shouted around the Upper Terrace area until 01.45 am (evidence available). Contrary to previous assurances, on 26 August 2021 the business advertised and hosted live music to excessive volume, so that the police were called by neighbours and complaints were submitted on the Shropshire portal (evidence available).

3. Public Safety

3.1 The proposed changes could increase overcrowding in the premises, create hazards in the cramped doorways and metal staircases and also increase the risk of accidents as people emerge onto the narrow pavement of Wyle Cop simultaneously with other establishments.

4. The prevention of public nuisance

4.1 The proposal of full extension to all the year round breaks the original terms which were seasonal and restricted to six months. The suggestion that the internal drinking and serving area would not affect the outdoor operation is nonsensical as noise and music inevitably extend into the surrounding area and, as stated above, customers from the internal bar would continually be going outside rendering the planning conditions on the outdoor bar/restaurant ineffective. Such a situation would also mean that this business would compete yet further in noise and disruption with The Nag's Head next door.

The second *Development Management Report* states:

'... to extend the operating hours from those permitted for the temporary permission... **will have a cumulative impact on the existing noise issues in the area.**'

'I recommend that the site in question would only be suitable for a café use i.e. premises only in use up to 7pm and that **the pub style use described in this application is not suitable for this location.**' Development Management Report 22/00228/FUL, section 4.1.3 page 4 (August 2022).

4.2 This 'cumulative impact' of the proposed hours extension would be intolerable for nearby residents and removal of the meal condition would precisely create what Shropshire's own Case Officers have **repeatedly stated would be wrong for this site, namely a pub style use unrelated to food.**

4.3 It should be noted that the variation of the planning decision 22/00228/FUL was made only four months after the 'final' decision granting change of use. The applicant submitted clearly false statements in support of this application, such as the assertion that no neighbours complained about the music, which is blatantly false as emails from Officers and warnings made by them to her clearly show. The applicant also compared her business to one in the Square, which is a completely different environment. Even after the variation was granted, however, the proprietor continued to play background music from the speakers on the Upper Terrace, against **even the variation decision** and the speakers **still remain on the Upper Terrace for this very purpose.**

5. The protection of children from harm

5.1 This is a sensitive site and has been a long standing residential haven in a conservation area. Again the second *Development Management Report* captures this point well:

'Whilst this is a town centre location the application site is located in a relatively quiet area surrounded by residential buildings and gardens and hence the proposed change of use is likely to have a significant affect on the amenity (of) the surrounding properties.' (Ibid. p. 4)

5.2 It is important that all Officers recognise the enormous implications of these changes and the potential harm caused, especially to children. The original licence application stated 'We will not encourage young people or large groups' but the related planning application for a baby changing facility 22/05558/FUL contradicts this assurance.

5.3 Many of the surrounding properties have young children who could be disturbed and potentially exposed to harm from these changes, including the increased risk of loud, drunken, anti-social behaviour and foul language (as cited above). The business also poses an increased security risk for residents, especially if it is open late at night, since it affords access via steps to the back gardens of surrounding properties (e.g. 1 Dogpole Court, currently unoccupied).

6. Conclusion

6.1 It is reasonable to maintain that variation of the licence for Wyle Cop in the terms proposed would have a substantial and adverse effect on the licensing objectives and would undermine and contravene previous related planning decisions. Should such a variation be granted, then there would be strong grounds for a full review of the licence during which the operation of the business, relevant evidence and all contacts and communications with Officers could be examined in full.

I object to this application.

Yours sincerely,

Mr. Paul Higgins, BA Hons; MA (Cantab); PGCE (Cert. Ed.)



3 January 2023

-

Additional -

Fri 03/02/2023 14:52 - attached a bowdlerised transcript of an incident referred to in my representation (2.2) and commented upon by Mrs Griffiths which I wish to be included as supplementary evidence concerning noise, disturbance and anti-social behaviour (Licensing Objective Public Nuisance).

Wyle Blue World, 19 Wyle Cop SY1 1BX: TRANSCRIPT REDACTED

Site: Upper Garden Terrace

Date: Event: 19 – 20 September 2021

Time 0.49 pm (20 September 2021)

Below is a transcript and description of a short section of the incident that occurred at this time and place for which there is also an audio recording.

People are gathered on the Upper Terrace. A string of festoon lights along the terrace are on. Talking, laughter and shouting can be heard with a mix of male and female voices. Throughout music is being played from the outside speakers on the Upper Terrace. Only words that are relevant or clearly distinguishable are transcribed below.

After a few moments:

Female voice: Oh no!

Male voice: Fxxxing fighting! Fxxxing fighting!

More shouting. A mix of male and female voices can be heard reacting. Shouting at increased volume (very loud). Screams. Laughter.

Male voice 1: shouts No fighting! No fxxxing fighting!

Male voice 2: slowly No fxxxing fighting!

Male voice 1: No fighting! No fighting! No fxxxing fighting!

Raucous laughter and shouting continues.

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**LICENSING ACT 2003
REPRESENTATION FORM**

Other Persons

Name/Company Name/Name of Body you represent	James Lloyd
Postal & email address	[REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made [REDACTED]
--

Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.

THE PREVENTION OF HARM TO CHILDREN

TO PREVENT PUBLIC NUISANCE

The applicant is proposing to have a bar inside without the restriction to serving food. There is no way to stop drinkers going outside and consequently the application does not appear to be a restaurant café but is instead a pub. The public nuisance created by a pub/bar is significantly greater than a café restaurant. If the applicant wishes to apply for a pub licence then she should do so that it can be assessed on that basis. I object to the licence variation since the disturbance caused by a pub/bar as there is no way to stop drinking customers from going outside to smoke or meet friends having food. Drinking customers are also likely to use the outdoor toilets after the outside and may even do so after the outside space is closed. They may also go outside to smoke after the outside space is closed.

I also object to the licence on the basis of extending the opening days outside to all year. As it currently stands we are disturbed by the venue for the whole summer and we only get the early spring and late autumn to have peaceful enjoyment of our gardens. Any further opening days would mean further imposition on the neighbors.

TO PREVENT CRIME & DISORDER

The comments above regarding the venue being a pub are relevant to reducing crime and disorder ie pubs increase crime and disorder more than restaurants/cafes.

PUBLIC SAFETY

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.

Restriction to music outside
Reduce opening hours back to the original hours agreed in the summer
Food has to be served inside
Restrict opening months to only the summer months to give neighbors some peace in the spring and autumn

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:



Date: 9/1/23

Please return this form along with any additional sheets to the address below:

Licensing Team
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

This form must be returned within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.

For confirmation on this date please contact the Licensing Team on 0345 678 9026

**Application for full variation to a premises licence at 19 Wyle Cop, Wyle
Blue World Bar/Restaurant**

Licensing Team,
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury SY2 6ND

7 January 2023

Representation: Mrs A. J. McKeever

Dear Sir/Madam,

**1. Proposed variation to the Premises Licence 19 Wyle Cop and related
planning application 22/05558/FUL**

My concerns with the change of use to this business can be summarised as follows:

1. Noise pollution in what is already a congested area of pubs and restaurants;
2. Environmental pollution from smokers congregating in a small area surrounded by dwellings;
3. Customers congregating in front of the premises which is on a very busy road and potential danger to moving cars and pedestrians due to the pavement size immediately outside.

Within a 100m radius of the site there are three existing café premises and at least 10 establishments serving alcohol, including the Nag's Head pub which is next door. The area does not need another late night bar.

The proprietor already has a licence to serve alcohol with a meal condition. Should this condition be removed and the hours extended as proposed, the previous planning restrictions limiting these criteria will be rendered ineffective for the site as a whole.

The variation proposed to create a drinking establishment is likely to give rise to disturbance and noise in the area, not only from music and talking inside but also as customers come outside to smoke, as is common place, and to use the proposed outside toilet; noise issues could also be created or exacerbated when people enter and leave the premises and with noise levels competing with the Nag's Head next door.

The noise level associated with a drinking establishment in such close proximity to many neighbouring residential units would create a level of nuisance (primarily consisting of noise but potentially including light and privacy disturbance also) far above that which would be acceptable for a residential dwelling within a town centre location.

As such, this proposed full variation of the licence is likely to cause significant adverse impact on the quality of life for local residents contrary to national policy set out in paragraph 185 (a), (b) and (c) of the National Planning and Policy Framework:

‘(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;
and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The proposed full variation of the licence also contravenes the provisions of Shropshire Local Development Framework Adopted Core Strategy policy CS6 ‘Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity’.

For these reasons I strongly object to the application.

Mrs A. J. McKeever

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1.1

“removing the meal condition inside, would contravene the very terms on which the licence was initially granted and further erode the amenity of this conservation area”

We are not intending to contravene any terms from a completely separate application where different objections were made and have not since been cited or raised by any neighbours.

This is an opinion, not fact. Mr Higgins is referring to the alfresco garden and not the inside of 19 Wyle Cop.

The general belief of our customers and other businesses is that the outside restaurant has added to the conservation area and allowed the town to engage with it and bring it to light.

1.2

“a cynical attempt to undermine the very basis for the approval of the planning decision “

This is again an opinion and is not a fact. Mr Higgins is referring to the alfresco garden not the inside of 19 Wyle Cop, therefore this is irrelevant.

“namely a late night ‘drinking establishment” this is an inaccurate assumption and language being used to inflame and provoke. I am, in fact, trying to create an upmarket, tapas café/restaurant to compliment the success of my alfresco garden. I have not applied to open a “late night drinking establishment” and will also not be serving draught beer as a conscious attempt to avoid this type of culture.

1.3

“The Licence Variation would also significantly compromise the licensing objectives, which have been undermined during the tenure of the business to date”

Once again this is Mr Higgins personal opinion and is unsubstantiated and untrue.

Should the variation be approved, customers will use the facilities of an outdoor toilet and smoking area. As discussed with Rob Bowland earlier this week, I have agreed to have the following conditions put in place:

The external areas to the rear of the building (courtyard and terrace) to be cleared of patrons by 17:00 Monday – Tuesday, and 20:00 Wednesday to Sunday.

A gate to be fitted at the bottom of the metal staircase that leads to the Terrace, and the gate closed and locked at the above times to prevent unauthorised access to the terrace.(Note this condition may fit better under Public safety)

No drinks to be taken into, or consumed in the Courtyard or Terrace after 17:00 Monday to Tuesday, and after 20:00 Wednesday to Sunday.

The rear door to the building to be closed after 20:00 until the end of trading except for access and egress.

2.1

“removing the meal condition would create another late night bar by default.”

I would like to reiterate I am not opening a late-night bar and this is Mr Higgins’ opinion and not fact. This is the culture we have managed to avoid with the outdoor area. My establishment will be an upmarket, tapas café/restaurant to complement the success of my alfresco garden.

“There are enough bars already operating in the area and a recent application for a nearby address was turned down on this basis.”

Separate applications should be judged on that very basis; separately, and not be influenced by previous applications by other businesses. I would add that the council is currently mandated to support existing local businesses to diversify in order to continue operating.

“with all the related problems that will ensue as a result in terms of noise, drunkenness and anti-social behaviour”

I feel this is an unjustified accusation against myself and my business. In the three seasons I have been operating the garden, I have had lovely clientele of a mixture of ages and certainly no antisocial behaviour of any kind.

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2.2

“For instance on 19-20 September 2021 disturbance from this business extended into the early hours with music being played and foul language being shouted around the Upper Terrace area until 01.45 am (evidence available). Contrary to previous assurances, on 26 August 2021 the business advertised and hosted live music to excessive volume, so that the police were called by neighbours and complaints were submitted on the Shropshire portal (evidence available).”

Mr Higgins mentions an incident on 19-20th September 2021. I would personally like to address this matter so that you are fully aware of what happened. This was not the business extending its hours, but a personal party. I fully take responsibility for this and was naively unaware that since the change of use, I am no longer permitted to hold personal gatherings in the garden. This has not happened since and a mistake for which I apologise for.

In reference to the incident on 26th August 2021, an acoustic event took place in the garden. As licensing said I could play music, however Planning said I could not. This was also a mistake on my behalf and both departments were informed by myself the next day. There has never been a recurrence. It was Mr Higgins that called the police, when I contacted the police the following day, they had noted Mr Higgins’ complaint and had no concerns and did not take any actions.

3.1

“create hazards in the cramped doorways and metal staircases and also increase the risk of accidents as people emerge onto the narrow pavement of Wyle Cop simultaneously with other establishments”

My restaurant/café will operate predominantly through a booking system, allowing us to stagger guests' arrival and departure, therefore customers will be leaving throughout the evening, not all at once.

The doorway concerned is actually larger than a standard doorway and the comments regarding the metal staircase will be moot as this will be closed off to the public when the garden area is not in use.

The pavement outside my premises is a standard size pavement which is predominant throughout the town and for which other restaurants and cafes currently operate without any problems.

4.1

“Such a situation would also mean that this business would compete yet further in noise and disruption with The Nag’s Head next door”

The Nag’s head has a beer garden, with exponentially more customers and is frequently in use until 1am in the morning. My alfresco garden will close at 8pm, therefore this has no relevance to my application.

If Mr Higgins has an issue with the Nags head, I suggest he take it up with them.

4.2

“Case Officers have repeatedly stated would be wrong for this site, namely a pub style use unrelated to food.”

My establishment is not a pub, nor do I want it to be. Again, we will not be serving beer on draught and my aim is to create an upmarket, tapas café/restaurant to compliment the success of my alfresco garden.

4.3

“Even after the variation was granted, however, the proprietor continued to play background music from the speakers on the Upper Terrace, against even the variation decision and the speakers still remain on the Upper Terrace for this very purpose”

Following a site visit it was agreed that music could be played creating an atmospheric ambience as long as it is barely audible. To ensure that the level of music was correct I sat in the garden of Mr Higgin’s neighbours at Kenneth House, Kenneth Court and adjusted the volume of the speakers until it could not be heard from their garden.

5. 2

“It is important that all Officers recognise the enormous implications of these changes and the potential harm caused, especially to children. The original licence application stated ‘We will not encourage young people or large groups’ but the related planning application for a baby changing facility 22/05558/FUL contradicts this assurance.”

I am not encouraging young people or large groups and have strict policies in place. My reason for applying for the baby changing facility is because the garden is often frequented by mothers at lunch time, and they have a right to have adequate baby changing facilities in place.

5.3

“Many of the surrounding properties have young children who could be disturbed and potentially exposed to harm from these changes. Including the increased risk of loud, drunken, anti-social behaviour and foul language”

“Many” is ambiguous and not based on fact in relation to the local population. I would suggest the council has a better idea of exactly how many children are living close by. See previous responses regarding loud, drunken and anti-social behaviour and language.

“The business also poses an increased security risk for residents, especially if it is open late at night, since it affords access via steps to the back gardens of surrounding properties (e.g. 1 Dogpole Court, currently unoccupied).”

The terrace garden is closed to the public after 8pm and there is strictly no access to the gardens of the surrounding properties. The steps on my side of the garden have been removed and are inaccessible.

6. 1

“would have a substantial and adverse effect on the licensing objectives and would undermine and contravene previous related planning decisions.”

I have worked tirelessly with the relevant departments to achieve an outcome that we are all happy with. I have submitted this Licence Variation to allow my business to survive during the current economic climate, operating as a retail outlet has proven really difficult and is becoming unviable.

I have created an establishment that is an asset to the town and that is appreciated and frequented by both locals(including various neighbours to Mr Higgins on Dogpole) and tourists. I would like it to be known that it is still my aim to work with Mr Higgins and find a way forward for us all to work together for the good of our beautiful town, Shrewsbury.

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I certainly appreciate and understand where Mr Lloyd is coming from. However, I would like to respectfully respond to his comments.

Mr Lloyd mentions disturbance throughout the summer at night, however, last season, in accordance with our planning conditions, we closed at 8pm every night and shall remain.

I am, in fact, trying to create an upmarket, tapas café/restaurant to compliment the success of my alfresco garden. I have not applied to open a "late night drinking establishment" and will also not be serving draught beer as a conscious attempt to avoid pub culture.

In addition, and as part of recent correspondence from the environmental protection officer (EPO), they state that:

"In principle I have no objections to the building being licensed and used as a restaurant with a premises license, allowing opening until 23.30, Wyle Cop is a commercial area and there are a number of restaurants and bars in the vicinity"

Should the variation be approved, customers will use the facilities of an outdoor toilet and smoking area. As discussed with Rob Bowland (EPO), I have agreed to have the following conditions put in place:

- The external areas to the rear of the building (courtyard and terrace) to be cleared of patrons by 17:00 Monday – Tuesday, and 20:00 Wednesday to Sunday.
- A gate to be fitted at the bottom of the metal staircase that leads to the Terrace, and the gate closed and locked at the above times to prevent unauthorised access.
- No drinks to be taken into, or consumed in the Courtyard or Terrace after 17:00 Monday to Tuesday, and after 20:00 Wednesday to Sunday.
- The rear door to the building to be closed after 20:00 until the end of trading except for access and egress.

Mr Lloyd: "I also object to the license on the basis of extending the opening days outside to all year. As it currently stands we are disturbed by the venue for the whole summer and we only get the early spring and late autumn to have peaceful enjoyment of our gardens. Any further opening days would mean further imposition on the neighbors."

The opening hours within the Variation apply to the inside of 19 Wyle Cop, and not the gardens.

Our planning already allows for us to be open 12 months of the year and would like our licensing to reflect this. Once again we are not a pub, we will be a restaurant.

Mr Lloyd himself states, "restaurants cause less crime and disorder than pubs".

Suggested Conditions

1. **Restriction to music outside:** Currently, we are already restricted by volume levels of music outside. We have had no complaints following a site visit where it was agreed that music could be played creating an atmospheric ambience as long as it is barely audible. This has been proved.
2. **Reduce opening hours back to the original hours agreed in the summer:** This is irrelevant to our application, we are not applying to extend our outside hours.
3. **Food has to be served inside** - It will be.
4. **Restrict opening months to only the summer months to give neighbors some peace in the spring and autumn:** Again it seems like Mr Lloyd is referring to the outdoor space.

1. Noise pollution in what is an already congested area of pubs and restaurants;

As the proprietor, I am of course conscious of additional noise to the immediate local area. Although I question the distance of the representatives residence in relation to our site, and would encourage people who live within the immediate radius to come forward themselves, we will be committed to monitoring and staggering people leaving as a result of having a default booking system for what is primarily a restaurant.

2. Environmental pollution from smokers congregating in a small area surrounded by dwellings.

Smokers will be prohibited from taking their drinks outside, which will stop smokers congregating outside - keeping noise to a minimum.

A gate will also be fitted at the bottom of the metal staircase that leads to the Terrace, with the gate closed and locked (at 8pm) to prevent unauthorised access.

3. Customers congregating in front of the premises which is on a very busy road and potential danger to moving cars and pedestrians due to the pavement size immediately outside.

Again, due to the default booking system, we will be able to stagger leaving customers and due to our proposed limit on guests we will not have large groups of people leaving the premises at any one time. This has not been a problem (reported or otherwise) since opening the outdoor bar. I would also add that the size of the pavement on Wyle Cop relative to the rest of town isn't small.

In addition, and as part of recent correspondence from the environmental protection officer (EPO), they state that:

"In principle I have no objections to the building being licensed and used as a restaurant with a premises license, allowing opening until 23.30, Wyle Cop is a commercial area and there are a number of restaurants and bars in the vicinity"

In conclusion

Should the variation be approved, customers will use the facilities of an outdoor toilet and smoking area. As discussed with Rob Bowland (EPO), I have agreed to have the following conditions put in place:

- The external areas to the rear of the building (courtyard and terrace) to be cleared of patrons by 17:00 Monday – Tuesday, and 20:00 Wednesday to Sunday.
- A gate to be fitted at the bottom of the metal staircase that leads to the Terrace, and the gate closed and locked at the above times to prevent unauthorised access.
- No drinks to be taken into, or consumed in the Courtyard or Terrace after 17:00 Monday to Tuesday, and after 20:00 Wednesday to Sunday.
- The rear door to the building to be closed after 20:00 until the end of trading except for access and egress.

Recently, I walked through town, and the amount of empty commercial real estate is alarming. Again, I would debate that loyal business owners to the town who are desperate to diversify and survive should be encouraged to do so and issues that can be well managed and solved - if they occur - shouldn't block this progress and development.

To augment this, I would point towards the National Planning Policy Framework 6. Building a strong, competitive economy. Paragraph (81) stating

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

As well as Paragraph 84. Planning policies and decisions should enable:

(a) the sustainable growth and expansion of all types of business in rural areas, [...] through conversion of existing buildings [...]

I am, in fact, trying to create an upmarket, tapas café/restaurant to compliment the success of the alfresco garden. I have not applied to open a "late night drinking establishment" and will also not be serving draught beer in a conscious attempt to avoid 'pub' culture.

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