



Committee and Date

Licensing Act Sub-Committee

Tuesday 14<sup>th</sup> August 2018

Item

**3**

Public

## LICENSING ACT 2003

### APPLICATION FOR A VARIATION OF A PREMISES LICENCE

**Responsible Officer** Jessica Moores, Public Protection Officer (Professional)  
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#### 1. Summary

Shropshire Council being the authorised licensing authority for:

- Peepo Restaurant, 84-85 High Street, Bridgnorth, WV16 4DS.

has received an application for a variation of the premises licence at the premises. A location plan is attached to the report as Appendix A.

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 Act 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 Statement of Licensing Policy 2014 - 2019.

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 2014 - 2019, 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 of the premises licence at Peepo Restaurant, 84-85 High Street, Bridgnorth, WV16 4DS.

### **6. Background**

6.1 Mr Phillip Jeffrey has made an application for a variation of the premises licence. Mr Jeffrey is the joint premises licence holder and the Designated Premises Supervisor of the premises.

6.2 The existing Premises Licence permits the following:

#### **Supply of Alcohol (on premises)**

Monday to Sunday 11:00 - 23:00

Non Standard Timings

New Year's Eve – plus two hours.

**Recorded Music (Indoors)**

Monday and Saturday 07:00 - 00:00

Sunday 07:00 - 23:00

Non Standard Timings

New Year's Eve – plus two hours

**Opening hours**

Monday – Sunday 07:00 – 00:00

Non Standard Timings

New Year's Eve – plus one hour

6.3 The variation application seeks to amend the following:

**Supply of Alcohol (on and off premises)**

Monday – Saturday 11:00 – 00:00

Sunday 11:00 – 23:00

Non Standard Timings

Christmas Eve, Boxing Day, New Years Eve – plus one hour, or when these days fall on a Sunday plus two hours.

**Recorded Music (Indoors)**

Monday – Thursday 07:00 – 00:00

Friday – Saturday 07:00 – 00:30

Sunday 07:00 – 23:00

Non Standard Timings

Christmas Eve, Boxing Day, New Years Eve – plus one hour, or when these days fall on a Sunday plus two hours.

*The applicant describes this as amplified background music*

**Anything of a Similar Description (to live/recorded music or performances of dance) (Indoors)**

Friday – Saturday 18:00 – 00:30

Sunday 18:00 – 00:00

Non Standard Timings

Christmas Eve, Boxing Day, New Years Eve – plus one hour, or when these days fall on a Sunday plus two hours.

*The applicant describes this as DJ music amplified using 4 x 600 watt small, discreet speakers with individual volume control placed around the room.*

**Late Night Refreshment (Indoors and outdoors)**

Monday – Saturday 23:00 – 00:00

Non Standard Timings

Christmas Eve, Boxing Day, New Years Eve – plus one hour, or when these days fall on a Sunday plus two hours.

### **Opening hours**

Monday – Thursday 07:00 – 00:00

Friday – Saturday 07:00 – 00:30

Sunday 07:00 – 00:00

- 6.4 The applicant seeks the variation from supply of alcohol on the premises to supply on and off the premises so customers can consume drinks purchased as off sales from the premises on two benches at the front of the property and a decked first floor terrace at the rear of the premises. The benches and terrace will be for off sales purchased alcohol only, there will be no sale of alcohol in these areas and there will be no speakers to play recorded music.
- 6.5 The applicant requires the rear terrace as additional seating for customers on Friday and Saturday nights as well as Christmas Eve, Boxing day and New Years Eve until 23:00 only.
- 6.5 The applicant has not proposed to amend or add to any conditions in the operating schedule of the existing licence.

### **7. Representations received (Responsible Authorities)**

- 7.1 Environmental Health have discussed the application with the applicant and made the following requests and comments, which have been agreed to by the applicant:
- Recorded music shall take place until midnight Monday to Saturday and 2300 hours on Sundays with the exception of bank holiday weekends and New Year's Eve which fall on a Sundays when recorded music shall be able to be played until midnight.
  - The external area shall be closed with no public to use the area after 2300 hours. At this time doors and windows on the first floor area shall be closed to ensure noise does not break out from this facade.
  - DJ shall cease to play at 2330 hours. Although it would be sensible to condition doors and windows to be closed at all times when the DJ is playing, with the external area not used when a DJ is playing, due to the Live Music Act deregulating music prior to 2300 hours at this premises this condition would not come into force until after 2300 hours. However, I would recommend conditioning this even though it will not come into force until 2300 hours to ensure that the principal is set should a review be necessary in future in response to noise complaints. In addition, no additional hours for DJ use on bank holidays etc. should be included with the exception of New Year's Eve allowing DJ until midnight if required. Having discussed this matter with the applicant he has confirmed that he understands the potential for noise issues should the DJ play when doors and windows are open and voluntarily will be seeking to adequately control this aspect.
  - It is noted that the application is for late night refreshment in internal and external areas until 0030 hours on Friday and Saturday and midnight on Sundays. As the external area will not be in use after 2300

hours it was advised that the applicant changes the application to indoors only as the external area will not be used after this time.

- Finally, it should be noted that allowing the external area to be used until 2300 hours has the potential to generate noise issues if this is not managed appropriately. I would advise the applicant considers noise in this location and controls it as necessary. This could include not taking large bookings for this area where noise levels from patrons may increase compared to tables of 2 -4 diners.

## **8. Representations received (Other Persons)**

- 8.1 11 representations have been received from 'other persons', all in objection to the application. Objectors primarily have concerns in respect of the Prevention of Public Nuisance, principally the concerns relate to the nuisance that might be caused at neighbouring residential properties by allowing the requested variations, and in particular permitting the extension of timings for licensable activities and use of the external areas.
- 8.2 One representation received is a petition with eight signatures. It should be noted that three of the eight signatories have submitted their own representations.
- 8.3 One of the 11 representations is from a resident of Bridgnorth who lives some distance from the premises, but is a customer of the neighbouring public house. Their representation does not reflect issues they are experiencing in their own home, but observations from being a customer at the neighbouring pub.
- 8.4 The applicant has indicated that they wish to continue with the application as detailed above, but including the amendments and conditions agreed with Environmental Health. None of the representations have been withdrawn.

## **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 then the amendments/additions and conditions as detailed in paragraph 7.1 of this report would need to be included in the licence.
- 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, licence holder 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 have 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 applicant and/or the licence holder 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 Statement of Licensing Policy 2014 - 2019.  
 Guidance issued under section 182 of the Licensing Act 2003 (March 2015).  
 The Licensing Act 2003 (Hearings) Regulations 2005.  
 Application form and copies of representations  
 Current Licence (18/02520/LFVPRE)

#### **Cabinet Member (Portfolio Holder)**

Cllr J Barrow

#### **Local Member**

Cllr C Lea

#### **Appendices**

Appendix A – Location Plan

Appendix B – Current Licence (18/02520/LFVPRE)