



Licensing Sub-Committee  
Wednesday 5<sup>th</sup> May 2021  
Online via Teams Live

Item

**Public**

## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

**Responsible Officer** Ross O'Neil, Public Protection Officer (Specialist)  
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#### 1. Summary

To consider an application for a new Premises Licence.

Premises: Blue Bar, 19 Wyle Cop, Shrewsbury, SY1 1XB

Shropshire Council being the authorised licensing authority for the above premises has received an application for a new premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is therefore required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy 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 new Premises Licence for Blue Bar, 19 Wyle Cop, Shrewsbury, SY1 1XB. (A copy of the location map and location photographs can be found at **Appendix A and B**).

### 6. Background

- 6.1 Belinda Griffiths has made an application for a new Premises Licence. The premises are currently operating as a shop on the Wyle Cop, Shrewsbury. At the rear of the premises is a lower walled courtyard garden with another level to the top terraced garden. Only these two external areas have been applied for to licence as alfresco eating and drinking, the shop is not part of the application. Wyle Cop is predominantly terraced properties with a mix of commercial businesses and residential properties in the vicinity. (A copy of the application and plan can be found at **Appendix C and D**).

The garden areas, known as the 'secret garden' had been operating in 2020 utilising Temporary Event Notices, of which premises can apply for 15 per annum, not exceeding 21-days. During the period a new premises licence application was submitted, however during consultation it became apparent that a spiral staircase set within the garden to access the top garden needed

modernising or replacing depending on health and safety and listed status enquires.

A site visit was conducted during 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 Health.

6.2 The requested licensable activities and opening hours are now:

**Supply of Alcohol (On premises only)**

**Lower Courtyard**

Monday to Sunday - 12:00 to 22:00

**Upper Terrace**

Thursday 16:00 to 21:00

Friday to Saturday 12:00 to 22:00

Sunday 12:00 – 21:00

**Opening Hours**

**Lower Courtyard**

Monday to Sunday - 10:00 to 23:00

**Upper Terrace**

Thursday 16:00 to 22:00

Friday to Saturday 12:00 to 23:00

Sunday 12:00 – 22:00

6.3 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the following steps would be taken.

6.3.1 Prevention of Crime and 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.

### 6.3.2 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, H<sub>2</sub>O and CO<sub>2</sub>), 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.

### 6.3.3 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.

8] The upper terrace area can be used for art classes or similar during daylight hours on Thursdays, provided there is no regulated entertainment.

9] No wood burning stoves or other solid fuel cooking appliances to be used.

#### 6.3.4 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.

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

7.1 One authority made an objection.

7.2 Environmental Health objected to the hours on the top terrace and requested conditions further conditions to protect the nearby residential properties from noise and odour and an amendment to operating hours. (A copy of the now withdrawn Environmental Health representation can be found at **Appendix E**)

7.3 One authority made comment on the application.

7.4 Planning stated “with regards to the licensing application at Wyle Blue I can confirm that the necessary planning application for the use has been received and is being given due consideration by officers. Residential amenity of neighbours will form a key consideration and SC Regulatory services will be asked to formally comment. Given that the use at the site is limited to April – September and 12 noon – 11pm with a maximum capacity of 50 persons, Planning may seek to impose reasonable conditions to this effect to control the use. As such Planning Authority would not object to the issuing of an alcohol license but would caution that planning permission needs to be approved before any licensable activity commences and any conditions imposed by planning will need to be complied with, irrespective as to the hours / details approved by the licence.

7.5 There are no outstanding objections from Responsible Authorities.

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

8.1 Two 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 F**).

8.2 Principally the concerns relate to the noise and odour nuisance that could potential be caused from the premises. (Representations can be found at **Appendix G – H**).

8.3 One supporting representation was also received during the consultation period. (Representation can be found at **Appendix I**).

8.4 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.

8.5 The Public Protection Officer encouraged and supported all parties to attempt 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.

## **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 licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then timings as of 6.2 and conditions detailed in paragraph 6.3 of this report would need to be included in the licence, if deemed necessary and appropriate, 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)**

Shropshire Council Licensing Policy 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

The Licensing Act 2003 (Hearings) Regulations 2005

<https://www.legislation.gov.uk/ukxi/2005/44/contents/made>

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

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

Application form (and plan)

Copies of representations received

**Cabinet Member (Portfolio Holder)**

Cllr G. Butler

**Local Member/s**

Cllr N. Green

**Appendices**

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Withdrawn representation – Environmental Health

Appendix F – Location of ‘other persons’ representation map

Appendix G – Representation Higgins (x 2 documents and 3 x photographs WBW)

Appendix H – Representation Lloyd

Appendix I – Representation Risdon