



Licensing Sub-Committee
Friday 16th December 2021 –
10:00
Shrewsbury and Oswestry
rooms - Shirehall

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 full variation to a Premises Licence.

Premises: Shrewsbury Castle, Castle Street, Shrewsbury, Shropshire, SY1 2BW

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 Shrewsbury Castle, Castle Street, Shrewsbury, Shropshire, SY1 2BW.

6. Background

6.1 Shrewsbury Museum Service have made an application for a variation of the premises licence.

The current premises licence is for indoor regulated entertainment only without alcohol. The premises is situated in the Town Centre of Shrewsbury, surrounded by both residential and commercial properties.

Previous dealings with the premises from a Licensing perspective are low with no complaints on the system, however as per representations recent TENs (Temporary Event Notices) have caused complaints to be received by Environmental Protection in relation to noise.

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 Health, Trading Standards and Police.

6.2 The existing Premises Licence (**Appendix C**) permits the following:

Opening hours

Monday to Sunday 10:00 – 23:00

Licensable activities (Plays, films, live music, Recorded Music, Performance of Dance and other Entertainment similar to Live or Recorded Music or Dance Performance)

Indoors only

Monday to Sunday 10:00 – 23:00

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

- Extend the licensable area from the building to cover the full grounds of the Castle
- Add supply of alcohol to the licence for consumption 'on and off' the premises
- To reduce Regulated Entertainment by 30 minutes daily – ending 30 minutes before closing time
- To extend Regulated Entertainment from inside only to both indoors and outdoors
- Add additional hours for New Years Eve into New Years Day

Opening hours

Monday to Sunday 10:00 – 23:00

Supply of alcohol (on and off sales)

Monday to Sunday 10:00 – 22:30

Licensable activities (Plays, films, live music, Recorded Music, Performance of Dance and other Entertainment similar to Live or Recorded Music or Dance Performance)

Both Indoors and outdoors

Monday to Sunday 10:00 – 22:30

- 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 additional conditions for to promote the four licensing objectives. The operating schedule details that the following steps would be taken:
- 6.5.1 General
DPS and all staff will be trained to assess risk to licensing objectives.
Records kept of staff training
DPS details available to all staff
Notice of authority record for staff selling alcohol
- 6.5.2 The prevention of crime and disorder
All staff will continue to take all necessary steps to keep premises free from crime and disorder. Including:
Appropriate staffing levels at all times
Staff training on refusal to sell alcohol policy
Not allowing alcohol to leave the premises opened
Appropriate and secure storage of alcohol
Alarms and use of incident book
- 6.5.3 Public Safety
Continue usual regular risk assessments and checks
Checking that policies are adhered to
DPS liaison with authorities
Entries and exits kept clear
Fire risk assessments – Fire fighting equipment checked and training given
Effective emergency lighting
- 6.5.4 Prevention of Public Nuisance
Staff will monitor the areas around the site and persons drinking around the site
asked to leave
Numbers at events will be limited
Controls to deal with litter and noise during and after events
Alcohol sales will cease 30 minutes before venue closes.

6.5.5 Protection of Children from Harm

Challenge 25 scheme adopted, and only suitable forms of ID accepted
Castle will hold no activity that may give rise to concern
No alcohol available at child centred events

7. Representations received (Responsible Authorities)

7.1 Three representations had been received from Responsible Authorities, namely Environmental Health, Trading Standard and Police. Representations have been withdrawn by them all.

7.2 Environmental Health were concerned about the noise externally for large events. It has been agreed that as per their operating schedule Live and Recorded Music events will be limited to no more than 8 per calendar year. The following conditions will also be included under the prevention of public nuisance on the Licence if granted:

A Music Event for the purpose of this Licence shall be defined as any event having amplified Recorded or Live Music for

- a. *More than 5 hours a day and/or*
- b. *Continues past 22:30*

For each Music Event (defined as above) a detailed Noise Management Plan will be submitted to Shropshire Council Safety Advisory Group, at least 28 days prior to the music event taking place. The noise management plan will include, as a minimum:

- A Plan showing the location of the stage and all sound amplifying equipment
- Noise Control Measures
- Start and Finish times of the event, including the type of music and running order
- Noise check and rehearsal times
- Details of a system to receive and address complaints which will include a named person who will be available during the entirety of the event.
- Noise monitoring to be undertaken by a suitably qualified and competent individual using equipment calibrated to British Standards
- Noise Monitoring Locations
- Name and contact details of the person undertaking noise monitoring.
- Music Noise from events shall not exceed 65dB Laeq when measured over a 15 minute period from a location(s) 1 meter from the façade of any noise sensitive properties

7.3 Trading Standards wanted further wording to be added to some of the proposed conditions in the operating schedule. The following additional conditions for the challenge 25 policy have been agreed to replace the three proposed by the applicant and will be included under The Protection of children from harm if granted

- A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.
- 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.
- Training on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol.
- 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.

7.4 Police requested additional conditions, and the following were agreed and will be added to the licence if granted:

- The Premises will have a zero tolerance to drugs policy
- 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
- 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
- Any suspicious activity and crimes will be recorded and reported to the police
- All drinks alcoholic or non-alcoholic to be consumed outside when over 500 in attendance will be served in non-glass receptacles. No alcohol will be served in cans to ensure that there is no risk of any-one under the age of 18 drinking alcohol from cans

7.5 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 F**).

- 8.2 Principally the concerns relate to the people and music noise that could potentially be caused from the premises in the outside area (Representations can be found at **Appendix G – I**).
- 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.

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 (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

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>

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 – Current Licence

Appendix D – Application (full variation)

Appendix E – Proposed plan

Appendix F - Location of 'other persons' representation map

Appendix G – Representation Sarah Frankland

Appendix H – Representation Tracey Uyan

Appendix I – Representation Tamara Uyan