

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE MEETING

DECISION NOTICE

WEDNESDAY, 26 JUNE 2019

14 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR HOTEL RUDYARD, RUDYARD, STAFFORDSHIRE, ST13 8RN**

Hotel Rudyard, Lake Road, Rudyard, Staffordshire Moorlands, ST13 8RN

Meeting: Wednesday 26th June 2019 at 10.20 am

Present: Councillor L Lea (Chairman)
Councillor L Swindlehurst
Councillor B Johnson
(N de Bruin Legal Services Officer)

Applicant: Mr. J Lepke and Mr J Bate, on behalf of the applicant

Objector(s): Mr Denis Colgan, Environmental Services Officer
Parish Councillor Norma Hawkins, representing Horton Parish Council
Local residents: S. & C. Gower
G. & F. Whittaker
D. & L. Wragg
P. & C. Glazebrook
W. & C. James
S. Higgins on behalf of A Higgins

For the Licensing Authority: M Towers, Senior Officer (Housing, Public Health and Licensing) and Ms S Bradbury, Licensing Officer

Also attending as observers Councillor I Lawson, Councillor P Elkin, Ms J Bayley (a local resident) and David Smith, Principal Officer Communities and Partnerships

Introduction

The hearing was called to consider an application for a Variation of the current Premises Licence in respect of Hotel Rudyard, Lake Road, Rudyard, Staffordshire Moorlands, ST13 8RN.

No interests were declared, however, the Sub-committee noted that they all knew Parish Councillor Hawkins who was also a District Councillor.

Mr Denis Colgan, Parish Councillor Norma Hawkins, Mr Gower, Mrs Whittaker, Mrs Higgins and a number of other local residents, Mr Lepke and Mr Towers all addressed the Sub-Committee.

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The Sub-Committee also viewed a short video submitted by Mr and Mrs Higgins and considered a late letter of objection from Mr Higgins, the written report, S182 guidance and Staffordshire Moorlands 'Statement of Licensing Policy' before coming to a decision.

The Sub-committee noted that while the applicant had confirmed that they would not have entertainment outside, once the outside areas were licenced for the sale of alcohol they would be able to avail themselves of the deregulation of entertainment provisions and so restriction of entertainment outside could not be imposed by this Sub-Committee.

Decision

To refuse the variation as applied for.

Reasons for the decision

The premises in question are situated in a semi rural area with a number of residential properties on the opposite side of the road to the west and to the south and north. Regrettably allowing the external areas to be licenced would allow deregulated entertainment that would create noise and, without any barriers to prevent it from doing so, would carry over the short distance between the hotel garden and housing and would be likely to cause a noise nuisance to neighbours. It was not within the gift of the Sub-Committee to restrict entertainment outside if the garden was to be licenced to sell alcohol and the Sub-committee had to assume that the licensee would take advantage of all that he would be entitled to in law if the variation were granted, as could any future operators of the premises.

In the opinion of the Sub-Committee and due to the proximity of the property with people's homes there were no practical steps that could be taken to reduce or even to mitigate the noise nuisance that could result. Accordingly the variation of the licence would undermine the licensing objectives, in particular that relating to public nuisance, and should be refused.

Although some objectors had raised concerns regarding anti-social behaviour and crime and disorder insufficient information was brought to show evidence of this and so this was not considered to be a reason why the variation ought to be refused.

In relation to light pollution the licensee was currently able to erect lighting and so this could not be considered.

Right of Appeal

The applicant may appeal against this decision. Any appeal must be made in writing to the Staffordshire Magistrates Court within 21 days from the date of receipt of the written Decision Notice.

The meeting closed at 12pm

Dated 26 June 2019

Chairman of the Licensing Sub-Committee *Linda J Lea.*

The meeting closed at 12.00 pm

Chairman _____ Date