

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

LICENSING ACT 2003

## **LICENSING SUB-COMMITTEE MEETING**

### **DECISION NOTICE**

**THURSDAY, 18 JULY 2019**

1 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE ROEBUCK INN, 21 CHEADLE ROAD, FORSBROOK, ST11 9BX**

The Roebuck Inn, 21 Cheadle Road, Forsbrook, Staffordshire Moorlands, ST11 9BX

Meeting: Thursday 18th July 2019 at 10.00 am

Present: Councillor L. Lea (Chairman)

Councillor B. Hughes

Councillor I. Whitehouse

(N. de Bruin Legal Services Officer)

Applicant: Mr. P. Collins represented by Mr. G. Domleo of Flint Bishop LLP

Objector(s): Mr. J. & Mrs. W. Green, residents

Mr D Colgan, Environmental Health Officer

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

Also attending as observers were Councillor T Holmes, Parish and Borough Ward Councillor, Councillor Fallows, a member of the licensing committee, Ms P Singh apprentice and Dr D 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 The Roebuck Inn, 21 Cheadle Road, Forsbrook. No interests were declared.

Mr Denis Colgan, Mr. & Mrs. Green, Mr Domleo and Mr Towers all addressed the Sub-Committee.

The Sub-Committee considered the written report, further information submitted by the applicant that had been circulated to all parties, the S182 guidance and Staffordshire Moorlands 'Statement of Licensing Policy' before coming to a decision. It was noted that in accord with 182 guidance para 16.43 that the beer garden, though not licensed, was likely to be considered to be a workplace and so would be able to host live music in accordance with Schedule 1 of the Licensing Act 2003 as amended by the Live Music Act 2012. However, extension of the licensable area to the outside of the premises would allow other forms of recorded music in the outside area.

## Licensing Sub-Committee (SMDC) - 18 July 2019

### **Decision**

To:

Refuse of the variation application, the cross hatched area on the plan attached, and,

Approve the remainder variation application subject to:

Additional conditions as follows:

1. Staff shall monitor customers in the external area of the premises on a regular basis in order to prevent customers causing a nuisance to neighbours.
2. Notices shall be prominently displayed at all public exits and in the external area requesting customers to respect the needs of local residents and leave the premises and area quietly.

### **Reasons for the decision**

The premises in question are situated in a built up area with a mixture of residential and business properties all around. To the East is a substantial public house known as the Butchers Arms. The committee noted that live music could be held outside within the beer garden as a place of work and that was the primary focus of previous complaints. Since Mr Collins had taken responsibility as DPS no complaints had been received. Although the Sub-Committee could not impose conditions relating to recorded music the Noise Management Plan showed a responsible attitude and Mr Collins was wise to consider that if the premises did cause a nuisance he would be alienating his own customer base. The Sub-Committee would encourage Mr Collins to give a contact number to Mr & Mrs Green so that lines of communication could be kept open.

It was noted this is a small outside area and, notwithstanding that conditions could not be imposed in relation to the playing of recorded music, operated in a responsible manner as indicated by the Noise Management Plan members considered that the variation could be granted without undermining the licencing objective relating to noise nuisance. If it did so objectors could request a review of the licence or action could be taken by Environmental Health.

The Sub-Committee were satisfied that the other elements of the application could also be provided without undermining any of the licensing objectives. The amendment to the non-standard timings was a very minor amendment to a singular day and was unlikely to make any material difference in licensing terms. The cross hatched area was included in error and so was refused.

Although the objectors had raised concerns regarding parking and traffic issues and sufficiency of other premises where breakfast could be obtained these were not matters that could be considered by the Sub-Committee. In relation to litter there was no evidence this had emanated from the premises

### **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 objectors 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 12:05

Dated 18<sup>th</sup> July 2019

**Licensing Sub-Committee (SMDC) - 18 July 2019**

Chairman of the Licensing Sub-Committee .....

The meeting closed at 12.05 pm

\_\_\_\_\_ Chairman \_\_\_\_\_ Date