

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Licensing Sub-Committee**

***29 November 2018***

<b>TITLE:</b>	<b>Application for the Grant of a Premises Licence for 15 Sheepmarket, Leek, Staffordshire Moorlands, ST13 5HN.</b>
<b>PORTFOLIO:</b>	<b>Councillor A.S. Forrester – Portfolio Holder for Environment</b>
<b>OFFICER:</b>	<b>Mike Towers, Senior Officer (Housing, Public Health &amp; Licensing)</b>
<b>WARD:</b>	<b>Leek East</b>

**Attached documents**

**Appendix 1** – Location Plan of Premises showing the vicinity of the premises and the proximity of the objectors to the premises.

**Appendix 2** – Application for the Grant of a Premises Licence.

**Appendix 3** – Representations from Interested Parties.

**Recommendations**

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of 15 Sheepmarket, Leek, Staffordshire, ST13 5HN within the provisions of the Licensing Act 2003. A location plan showing the location of the premises and a plan of the surrounding residential area is attached at Appendix 1.

**Executive Summary**

- 2.1 An application was received on 05 October 2018 from A.H. Brooks & Co. Solicitors on behalf of Mr Tuncay Calar for the grant of a premises licence in respect of 15 Sheepmarket, Leek, Staffordshire, ST13 5HN. During the consultation period 5 relevant representations were received and therefore the application is required to be determined by the Licensing Sub-Committee.

## **Background:**

2.2 An application was received on 05 October 2018 from A.H. Brooks & Co. Solicitors on behalf of Mr Tuncay Calar, 9 Milner Terrace, Leek, Staffordshire, ST13 6BY for the grant of a premises licence in respect of 15 Sheepmarket, Leek, Staffordshire, ST13 5HN. A copy of the application is attached at Appendix 2.

### **The licensable activities applied for are:-**

- Supply of alcohol:-  
Every day: - 05:00 – 00:00

### **The opening times of the premises applied for are:-**

- Every day:- 05:00 – 00:00

2.3 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 06 October 2018 and 02 November 2018 by the displaying of a public notice on the premises and in a local newspaper namely the Leek Post and Times (10 October 2018) giving details of the application.

2.4 During the consultation period Staffordshire Police and the applicant agreed to reduce the hours for the supply of alcohol to 06:00 to 23:00 hours every day and the terminal hour for the premises to be open to the public to 23:00 hours every day and for the conditions listed below to be incorporated in the operating schedule.

- CCTV must be installed and cover all internal areas. The CCTV unit shall be positioned in a secure part of the licensed premise and not within any private area of the location. Access to the system should be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.
- All images must be kept for a 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and / or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

- The CCTV system must be maintained so as to be fully operational and recording 24 hours every day.
- The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).
- There must be a competent member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or Local Authority Officers.
- Challenge 25 will be operated at the premises whereby all persons who appear to be under 25 and purchasing or attempting to purchase alcohol will be asked to provide identification to prove they are over 18 years of age.
- The only acceptable forms of identification allowed will be a valid passport, valid photo ID driving licence or valid proof of age scheme card with the PASS approved hologram.
- Challenge 25 signage to be displayed in a clear and prominent public place at the premises.
- All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record is to be kept of staff training. Training must be refreshed at least every 6 calendar months. Such training will be recorded and be maintained at the premises and made available for inspection upon request by a Responsible Authority.
- A refusals register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. This register can be written or electronic.
- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the Police or an authorised officer of the Licensing Authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice
- All alcohol shall be closed off and not accessible to the public during the time that the premises are open to the public but not licensed for the sale of alcohol.

- The Premises will be an active member in the Business Crime Initiative. The Premises Licence Holder and the Designated Premises Supervisor or another nominee will attend all meetings relevant to the premises as organised by the initiative and will actively participate in the partnership scheme and fully adhere to all the rules and regulations of the scheme.
- 2.5 During the consultation period the Environmental Health Department at Staffordshire Moorlands District Council and the applicant also agreed to amend the hours that the premises is open to the public to:-  
Every day:- 06:00 – 23:00 and for the conditions listed below to be incorporated in the operating schedule.
- Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
  - No deliveries must be made to the premises between 21:00 and 07:00 with the exception of newspaper deliveries.
  - Delivery drivers (including newspaper deliveries) shall conduct deliveries in a manner that will not cause noise disturbance to nearby residential dwellings. Drivers shall turn off engines on arrival and not sound horns or play music during the course of any delivery.
  - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

### **Relevant Representations**

#### 2.6 Responsible Authorities

Planning Officer – None received.

Health and Safety Authority – None received.

Child Protection Body – None received.

Staffordshire County Council Trading Standards - None received.

Home Office Immigration – None received.

Staffordshire Public Health - None received.

Staffordshire Police – The hours applied for reduced and conditions agreed during the consultation period.

Environmental Health Officer – The commencement hour for the premises to be open to the public amended to 06:00 every day and

conditions agreed during the consultation period.

## 2.7 Other Persons

During the consultation period five representations were received from interested parties which included local residents and a business located in the proximity of the premises. Copies of these representations are attached at Appendix 3.

2.8 The committee are advised that the relevant points of the representations are based around the hours applied for being too long which may lead to public nuisance and anti-social behaviour. Consideration cannot be given to parking issues, traffic or vehicle congestion or the number of other licensed premises in the area permitted to sell alcohol.

2.9 When determining if a representation is relevant consideration is given to paragraph 9.9 of the Section 182 guidance:-

“It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it”.

## **Local Policy Consideration**

2.10 In carrying out its duties under the Act, the Licensing Authority will actively promote the licensing objectives, namely: -

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

2.11 The Licensing Authority will view each objective with equal importance and pay due regard to any guidance issued by the Secretary of State under section 182 of the Act and the local statement of licensing policy.

2.12 The Licensing Authority has the ability to deviate from both the guidance issued by the Secretary of State and/or this statement of licensing policy where the facts of a case merit it. If such an occasion does arise then full reasons for such deviation will be given as part of the published decision.

2.13 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

2.14 The Sub-Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:

- (a) Grant the application as applied for;
- (b) Modify the conditions of the licence, by altering or omitting or adding to them;
- (c) Reject the whole or part of the application.

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

2.15 The applicant or interested party have the right of appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant and premises licence holder are notified in writing of the Licensing Sub-Committee's decision.

### **Options and Analysis**

There are no options to consider other than detailed in the report. Applications made within the Licensing Act 2003 (Hearings) Regulations 2005.

### **Implications**

3.1 Community Safety - (Crime and Disorder Act 1998)

None

3.2 Employees

None

3.3 Equalities

This report has been prepared in accordance with the Council's Diversity and Equalities Policies.

3.4 Financial Considerations

There are no direct financial implications for the authority from this application, although should Mr Tuncay Calar or any of the interested parties exercise their right of appeal against any decision made by the Sub-Committee, then there would be additional costs incurred by the authority in defending the decision in court.

3.5 Legal

All parties have the right of appeal to the Magistrates Court.

3.6 Sustainability.

None.

Alicia Patterson

**Operations Manager – Environmental Health**

**Background Papers**

Staffordshire Moorlands District  
Council Licensing Policy:-  
2016 - 2021  
Amended Guidance issued under  
Section 182 of the LA2003

**Location**

Licensing Section

**Contact**

Mike Towers  
Senior Officer (Housing,  
Public Health & Licensing)  
01538 395400 x4400