

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

06 September 2019

TITLE:	Application for the Grant of a Premises Licence for Biddulph Arms, 171 Congleton Road, Biddulph, Staffordshire, ST8 6QJ.
PORTFOLIO:	Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Biddulph North

Attached documents

Appendix 1 – Copy of the application form and plan.

Appendix 2 – Relevant representations from interested parties.

Appendix 3 – Map to show the proximity of the objectors to the premises.

Recommendations

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of Biddulph Arms, 171 Congleton Road, Biddulph, Staffordshire, ST8 6QJ within the provisions of the Licensing Act 2003.

Executive Summary

- 2.1 An application was received on 19 July 2019 from Apra Homes Ltd, for the grant of a premises licence in respect of Biddulph Arms, 171 Congleton Road, Biddulph, Staffordshire, ST8 6QJ. 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 19 July 2019 from Mr Inderjit Garcha, Director of Apra Homes Ltd, 352 Bearwood Road, Bearwood, Birmingham, B66 4ET for the grant of a premises licence in respect of Biddulph Arms, 171 Congleton Road, Biddulph, Staffordshire, ST8 6QJ. A copy of the application is attached at Appendix 1.

The licensable activities applied for are:-

- Live music, Recorded music and the Sale of alcohol:-
Sunday to Thursday:- 10:00 – 00:00
Friday and Saturday:- 10:00 – 01:00
- Late night refreshment:-
Sunday to Thursday:- 23:00 – 00:30
Friday and Saturday:- 23:00 – 01:30

The seasonal variations for licensable activities applied for are:-

- Live music, Recorded music and the Sale of alcohol:-
Sunday and Monday of all Bank holiday weekends, All Saints Days, Christmas Eve & Boxing Day:-
10:00 – 01:00
From the beginning of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.
- Late night refreshment:-
Sunday and Monday of all Bank holiday weekends, All Saints Days, Christmas Eve & Boxing Day:-
23:00 – 01:00
From the beginning of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

The opening times of the premises applied for are:-

- Sunday to Thursday:- 10:00 – 00:30
- Friday and Saturday:- 10:00 – 01:30

The seasonal variations for opening times applied for are:-

Sunday and Monday of all Bank holiday weekends, All Saints Days, Christmas Eve & Boxing Day:-
10:00 – 01:00
From the beginning of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

- 2.3 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 20 July 2019 and 16 August 2019 by the displaying of a public notice on the premises and in a local newspaper namely The Chronicle (01 August 2019) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.
- 2.4 During the consultation period Staffordshire Police and the applicant agreed to the conditions detailed below to be incorporated in the operating schedule.
- CCTV must be installed and operating correctly to manufacturer's instructions internally and must cover all public entrances/exits and public areas where licensable activity takes place whilst the premises is open to the public.
 - The time and date must be set to the correct time relating to BST/GMT.
 - A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download at the time of the visit/upon request onto a CD/DVD/USB stick any information requested by any Responsible Authority.
 - All CCTV images must be retained for a period of not less than 31 days.
 - Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
 - An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder must be recorded. The register must be produced and made available at the time of the visit/upon request to any responsible authority.
 - Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol & age restricted products. This will incorporate Challenge 25. Such training must be recorded and up to date

training records of all such persons must be maintained at the premises and produced and made available at the time of the visit/upon request to any Responsible Authority. There must be eighteen months records retained.

- A Challenge 25 policy must be adopted and enforced at the premises where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.
- The only acceptable forms of identification are a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
- Challenge 25 posters must be displayed at all entrances to the premises, all areas where alcohol is displayed and at the cash till payment area.
- Posters must be displayed prominently and in sight of customers and staff.
- A refusals register with details of all refusals must be maintained at the premises. The register may be contained on the till but must contain details of the staff member refusing the sale and must be checked on a monthly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.
- The refusals register or when on the till a print out of refusals must be produced and made available for inspection at the time of the visit/upon request by any Responsible Authority.

2.5 During the consultation period the Environmental Health Department at Staffordshire Moorlands District Council and the applicant also agreed 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.
- All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

2.6 The premises previously held a premises licence which permitted:-

Licensable activities:-

- Live music, Recorded music and the Sale of alcohol:-
Sunday to Thursday:- 10:00 – 00:00
Friday and Saturday:- 10:00 – 01:00
- Late night refreshment:-
Sunday to Thursday:- 23:00 – 00:30
Friday and Saturday:- 23:00 – 01:30

Seasonal variations for licensable activities:-

- Live music, Recorded music and the Sale of alcohol:-
Sunday and Monday of all Bank holiday weekends, All Saints Days, Christmas Eve & Boxing Day:-
10:00 – 01:00
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From the beginning of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

Opening times of the premises:-

- Sunday to Thursday:- 10:00 – 00:30
- Friday and Saturday:- 10:00 – 01:30

Seasonal variations for opening times of the premises:-

Sunday and Monday of all Bank holiday weekends, All Saints Days, Christmas Eve & Boxing Day:-
10:00 – 01:00
From the beginning of permitted hours on New Year's Eve

until the end of permitted hours on New Year's Day.

- 2.7 This licence was surrendered by the previous premises licence holder, hence the requirement for a new application for a premises licence to be submitted.

Relevant Representations

2.8 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 Fire and Rescue Services – None received.
Staffordshire Police – Conditions agreed during the consultation period.
Environmental Health Officer – Conditions agreed during the consultation period.

2.9 Other Persons

During the consultation period five representations were received from local residents. Copies of these representations are attached at Appendix 2.

- 2.10 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 and previous disturbance from the premises from loud music. Consideration cannot be given to vehicles parking illegally or parking or traffic issues.
- 2.11 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”.
- 2.12 A plan to show the proximity of the objectors to the premises is attached at Appendix 3.

Local Policy Consideration

2.13 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

2.14 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.

2.15 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.

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

2.17 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.

2.18 The applicants or any of the interested parties have the right of appeal to the Magistrates Court within the period of 21 days beginning with the day on which they 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 Apra Homes Ltd 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

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