

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Licensing Sub-Committee**

***06 September 2019***

<b>TITLE:</b>	<b>Application for the Grant of a Premises Licence for 22 -27 Getliffe's Yard, Derby Street, Leek, Staffordshire, ST13 6HU.</b>
<b>PORTFOLIO:</b>	<b>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 – Copy of the application form and plan.**
- Appendix 2 – Copy of the current premises licence for Leek Bar and Grill.**
- Appendix 3 – Relevant representation from Environmental Health.**
- Appendix 4 – Copy of e-mail from Konak (Stockport) Ltd.**
- Appendix 5 – Representation from an interested party.**
- Appendix 6 – Map to show the proximity of the objector to the premises**

**Recommendations**

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of 22 - 27 Getliffe's Yard, Derby Street, Leek, Staffordshire, ST13 6HU within the provisions of the Licensing Act 2003.

**Executive Summary**

- 2.1 An application was received on 17 July 2019 from Konak (Stockport) Ltd, for the grant of a premises licence in respect of 22 – 27 Getliffe's Yard, Derby Street, Leek, Staffordshire, ST13 6HU. During the consultation period a relevant representation was received from the Environmental Health Department at Staffordshire Moorlands District Council and a further representation from a local resident. Therefore the application is required to be determined by the Licensing Sub-Committee.

## **Background:**

2.2 An application was received on 17 July 2019 from Mr Ozgur Yeter a Director of Konak (Stockport) Ltd, 24 Clarence Arcade Street, Ashton-under-Lyne, Oldham, Lancashire, OL6 7PT for the grant of a premises licence in respect of 22 – 27 Getliffe's Yard, Derby Street, Leek, Staffordshire, ST13 6HU. A copy of the application is attached at Appendix 1.

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

- Live music and similar entertainment to live and recorded music and performance of dance (indoors and outdoors):-  
Every day:- 09:00 – 23:00
- Recorded music (indoors and outdoors):-  
Every day:- 09:00 – 01:00
- Late night refreshment (indoors and outdoors):-  
Every day:- 23:00 – 00:00
- Supply of alcohol (for consumption on and off the premises):-  
Every day:- 09:00 – 01:00

### **The seasonal variation applied for is:-**

New Year's Eve:-

- Live music:- 18:00 – 02:00
- Recorded music, similar entertainment to live, recorded music and performance of dance and sale of alcohol:-  
09:00 - 02:00

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

- Every day:- 09:00 – 01:30

### **The seasonal variation applied for is:-**

- New Year's Eve:- 09:00 – 02:30

2.3 Konak (Stockport) Ltd currently hold a premises licence in respect of Leek Bar and Grill, 22 – 24 Getliffe's Yard, Derby Street, Leek, Staffordshire, ST13 6HU which permits the following licensable activities:-

- Play, films, live and recorded music, performance of dance, anything similar to music (indoors) and sale of alcohol (for consumption on the premises):-  
Every day:- 09:00 – 00:00
- Late night refreshment:-  
Every day:- 23:00 – 00:00

Seasonal variations for all licensable activities:-  
 Christmas Eve until 01:00  
 New Year's Eve until 02:00

The opening times of the premises is:-  
 Every day:- 09:00 – 00:30  
 Christmas Eve until 01:30  
 New Year's Eve until 02:30

A copy of the licence in respect of this premises is attached at Appendix 2.

- 2.4 This application has been submitted by Konak (Stockport) Ltd to incorporate the current premises, the adjacent building and the outside courtyard area as one licensed premises. Therefore, if this application is granted by the Licensing Sub-Committee then the current licence will be surrendered.
- 2.5 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 18 July 2019 and 14 August 2019 by the displaying of a public notice on the premises and also on the fire exit onto York Street, the fire exit onto Bath Street and the entrance to Getliffe's Yard. A public notice was also inserted in a local newspaper namely The Leek Post and Times (24 July 2019) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.
- 2.6 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.

## **Relevant Representations**

### 2.7 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 – Representation received.

2.8 On 14 August 2019 a relevant representation was received from the Environmental Health Department at Staffordshire Moorlands District Council.

2.9 The representation was submitted as the Environmental Health Officer was seeking to append conditions to the operating schedule but having spoken to the applicant was unable to reach an agreement prior to the end of the consultation period. A copy of the conditions requested are detailed in the representation which is attached at Appendix 3.

2.10 On 19 August 2019 Mr Ozgur Yeter, Director of Konak (Stockport) Ltd sent an e-mail to the Licensing Department and copied in to the

Environmental Health Officer in response to the representation and the proposed conditions. A copy of this is attached at Appendix 4.

2.11 Other Persons

During the consultation period a representation was received from a local resident. A copy of this is attached at Appendix 5.

2.12 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”.

2.13 A plan to show the proximity of the objectors to the premises is attached at Appendix 6.

**Local Policy Consideration**

2.14 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

2.15 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.

2.16 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.

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

2.18 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.

- 2.19 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 Konak (Stockport) 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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