

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Licensing Sub-Committee**

**19 June 2020**

<b>TITLE:</b>	<b>Application for the Variation of a Premises Licence for Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ.</b>
<b>PORTFOLIO:</b>	<b>Councillor S Scalise, Portfolio Holder for the Environment</b>
<b>OFFICER:</b>	<b>Mike Towers, Senior Officer (Housing, Public Health &amp; Licensing)</b>
<b>WARD:</b>	<b>Bagnall and Stanley</b>

**Attached documents**

- Appendix 1 – Copy of the application form and plan.**
- Appendix 2 – Copy of the current premises licence.**
- Appendix 3 – Copy of the representation from Environmental Health.**
- Appendix 4 – E-mail from Mr G Cross dated 09 April 2020.**
- Appendix 5 – E-mail from Mr D Colgan to Mr G Cross dated 15 April 2020.**
- Appendix 6 – Response from Mr G Cross dated 15 April 2020.**
- Appendix 7 – E-mail from Mr G Cross dated 16 April 2020.**
- Appendix 8 – E-mail to Mr G Cross on behalf of Mr M Towers, Senior Licensing Officer.**
- Appendix 9 – E-mail from Mr G Cross dated 22 April 2020 with amended conditions.**
- Appendix 10 – A map showing the location of the premises and neighbouring properties.**

**Recommendations**

- 1.1 That members determine the application for the Variation of a Premises Licence in respect of Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ within the provisions of the Licensing Act 2003.

## **Executive Summary**

- 2.1 An application was received on 18 March 2020 from Mr Glyn Cross, Trent Licensing, on behalf of Deborah Jane Burton, for a variation of the current premises licence in respect of Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ. During the consultation period a relevant representation was received from the Environment Health Department at Staffordshire Moorlands District Council. Therefore, the application is required to be determined by the Licensing Sub-Committee.

### **Background:**

- 2.2 An application was received on 18 March 2020 from Mr Glyn Cross, Trent Licensing, on behalf of Deborah Jane Burton for the variation of a premises licence in respect of Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ. This application is to amend the current plan to reflect a new dining area in the internal part of the premises and to extend the area to be licensed to include the outside patio and external drinking area. A copy of the application and plans defining the proposed licensable area and the location of the new dining area is attached at Appendix 1.
- 2.3 The premises currently holds a premises licence which permits the following licensable activities: -

- Performance of live music and recorded music (indoors): -  
Every day: - 11:00 – 00:30  
New Year's Eve: - 11:00 – 01:00
- Sale of alcohol (for consumption on and off the premises): -  
Every day: - 09:00 – 00:30  
New Year's Eve: - 09:00 – 01:00
- Late Night Refreshment (indoors): -  
Every day: - 23:00 – 00:30  
New Year's Eve: - 09:00 – 01:00

### **The permitted opening times of the premises are: -**

- Every day: - 07:00 – 01:00  
New Year's Eve: - 07:00 – 01:00

A copy of the current premises licence is attached at Appendix 2.

2.4 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 19 March 2020 and 15 April 2020 by the displaying of a public notice on the premises (including the gates to the entrance to the premises) and in a local newspaper namely the Leek Post and Times (25 March 2020) giving details of the application. A copy of the application was also displayed on the Staffordshire Moorlands District Council's Licensing webpage.

2.5 On 06 April 2020 the Environmental Health Department at Staffordshire Moorlands District Council submitted a relevant representation to the application, as they could not be satisfied that the variation would not cause public nuisance and compromise residential amenity for neighbours in the vicinity of the premises. The outside area is currently used for the consumption of food and alcohol. A copy of this representation is attached at Appendix 3.

2.6 In respect of outside entertainment, The Live Music Act 2012 and the subsequent deregulatory changes that amended the Licensing Act 2003 state: -

Live music: no licence permission is required for: -

- A performance of unamplified live music between 08:00 – 23:00 on any day on any premises;
- A performance of amplified music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.

Recorded music: no licence permission is required for:

- Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

2.7 Where beer gardens are included as part of the licensed premises and therefore shown on the plans attached to the licence, then live amplified music is exempt providing that the performance is between 08:00 – 23:00 and the audience is 500 or less.

- 2.8 Where a beer garden does not form part of the licensed premises and therefore not included in the plan attached to the licence it is likely that it would be classed as a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 which states “workplace means any premises or part of premises which are not domestic premises and are made available to any person as a place of work and includes any place within the premises to which such person has access while at work and any room, lobby, corridor, staircase road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work”.
- 2.9 However, it should be noted that the workplace exemption does not apply to the playing of recorded music and therefore the de-regulation is only applicable if the relevant area forms part of the licensed premises. It should also be noted that The Live Music Act 2012 provides that if a premises is licensed under the Licensing Act 2003, they cannot also be treated as a workplace for the purpose of the 2012 Act.
- 2.10 On 09 April 2020 having received a copy of the representation submitted from the Environmental Health Department Mr Glyn Cross sent a response to Mr Denis Colgan, Environmental Health Officer. A copy of this response is attached at Appendix 4 with a copy of the *“informal noise control agreement”* which is referred to by both parties in relation to Temporary Event Notices that have taken place at the premises since 2014.
- 2.11 On 15 April 2020 Mr Denis Colgan e-mailed Mr Glyn Cross with the requested list of complaints and to advise him that the primary concern with the application was the request to license the outside area and that the application should be considered by the Licensing Sub-Committee. A copy of this e-mail and list of complaints is attached at Appendix 5.
- 2.12 On 15 April 2020 Mr Glyn Cross sent an e-mail in response to the above. A copy of this is attached at Appendix 6.
- 2.13 On 16 April 2020, Sandra Bradbury, Licensing Officer contacted Mr Glyn Cross requesting confirmation of the intention of the use of the outside area. Mr Cross confirmed via e-mail on the same date that the intention “was to include the outside area within the licence to enable them to have the facility to operate a small outside bar when the clubhouse is busy and to cater for events when there is need for increased capacity, this would enable

these events to go ahead without the need to apply for Temporary Event Notices in advance. There is no intention of using the outside area for any events that would go beyond the 23:00 threshold and the Club are willing to agree conditions on the licence to that effect". A copy of the complete e-mail is attached at Appendix 7.

- 2.14 On 22 April 2020 an e-mail was sent on behalf of Mr Mike Towers, Senior Licensing Officer to Mr Glyn Cross with a number of conditions for the applicant to consider, that could be volunteered to be added to the premises licence (if deemed as granted) as part of their noise risk assessment. A copy of this e-mail is attached at Appendix 8.
- 2.15 On 22 April 2020 a response to the above e-mail was received from Mr Glyn Cross which detailed minor amendments to the proposed conditions. A copy of this e-mail is attached at Appendix 9.
- 2.16 On 27<sup>th</sup> April 2020 Mr Denis Colgan, Environmental Health Officer confirmed that as the amended proposed conditions did not address the Environmental Health Department's concerns then the application should be determined by the Licensing Sub-Committee.

### **Relevant Representations**

#### 2.17 Responsible Authorities

Environmental Health Officer – Objection received;  
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 – None received;  
Staffordshire Fire and Rescue Service – None received;  
Home Office Alcohol Licensing Team – None received.

#### 2.18 Other Persons

During the consultation period no further representations were received from local residents or businesses.

2.19 A map showing the location of the premises and neighbouring properties is attached at Appendix 10.

2.20 The Committee are advised that the relevant points of the representation are based around the outside area forming part of the licensed premises leading to disturbance to neighbouring residential properties.

2.21 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**

2.22 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.

2.23 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.

2.24 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.

2.25 The Sub-Committee must also have regard to the representation made and the evidence it hears.

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

- (a) To modify the conditions of the licence;
- (b) 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 are 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.

The Sub-Committee are reminded that the premises currently holds a premise licence therefore, if the variation application is wholly rejected then the current premises licence is not affected.

- 2.27 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 Deborah Jane

Burton or the Environmental Health Department, 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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