

AGENDA ITEM 3

HIGH PEAK BOROUGH COUNCIL

Report to Licensing Sub-Committee

05 September 2024

TITLE:	Application for the Variation of a Premises Licence for Old Hall Hotel, Market Place, Hope, Hope Valley, Derbyshire, S33 6RH.
PORTFOLIO:	Councillor Fiona Sloman.
OFFICER:	Sandra Bradbury, Licensing Lead Officer.
WARD:	Hope Valley

Attached documents.

Appendix 1 – Copy of the application form.

Appendix 2 – Copy of the current premises licence and plan.

Appendix 3 - Copies of the representations from interested parties.

Appendix 4 – Plan showing the location of the premises.

Recommendations

- 1.1 That members determine the application for the Variation of a Premises Licence in respect of Old Hall Hotel, Market Place, Hope, Hope Valley, Derbyshire, S33 6RH within the provisions of the Licensing Act 2003.

Executive Summary

- 2.1 An application was received on 07 June 2024 from Mr Richard S J Ellison, for a variation of the current premises licence in respect of Old Hall Hotel, Market Place, Hope, Hope Valley, Derbyshire, S33 6RH. During the consultation period 11 relevant representations were received from interested parties. Therefore, the application is required to be determined by the Licensing Sub-Committee.

Background:

- 2.2 An application was received on 07 June 2024 from Mr Richard S J Ellison for the variation of a premises licence in respect of Old Hall Hotel, Market Place, Hope, Hope Valley, Derbyshire, S33 6RH. This application is seeking to extend the hours for recorded music, late night refreshment, the sale of alcohol and permitted opening times. The application also seeks to add the following licensable activities:- Provision of, films, indoor sporting events and anything similar to live and recorded music or performance of dance.
- 2.3 It should be noted that the application is seeking to extend the hours for the current licensable activities, and add the supplementary licensable activities “indoors only” (the areas as depicted on the plan attached to the current premises licence at Appendix 2). Therefore, the application is not seeking to permanently licence any outside areas of the premises i.e. the car park. The premises does have beer festival’s etc. whereby the car park has previously been utilised but such events have been authorised under Temporary Event Notifications for which the premises licence holder will continue to submit.
- 2.4 The application also states that it “is not the intention of the premises to operate these hours on a daily basis, however, flexibility is sought to facilitate functions at short notice.” A copy of the application form is attached at Appendix 1.
- 2.5 The premises currently holds a premises licence which permits the following licensable activities: -
- Performance of live music and recorded music (indoors): -
Monday to Saturday:- 10:00 – 00:00
Sunday:- Noon – 00:00
 - Sale of alcohol (for consumption on and off the premises): -
Monday to Saturday:- 10:00 – 00:00
Sunday:- Noon – 00:00
New Year’s Eve: - From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.
 - Late Night Refreshment (indoors): -
Monday to Saturday:- 23:00 – 00:00

Sunday:-

23:00 – 00:00

The permitted opening times of the premises are: -

- Monday to Saturday:- 10:00 – 00:30
- Sunday:- Noon – 00:30
- New Year's Eve: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

2.6 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 07 June 2024 and 05 July 2024 by the displaying of a public notice on the premises and in a local newspaper namely the Peak Advertiser giving details of the application. A copy of the application was also displayed on the High Peak Borough Council Licensing webpage.

2.7 On 13 June 2024 the Premises Licence Holder and Derbyshire County Council Trading Standards Department agreed for the following conditions to be appended to the premise licence should the application be deemed as granted:-

- Full training will be provided to all staff on the law relating to all age-restricted products sold and systems or procedures they are expected to follow in the due course of dealing with these goods. Refresher training will be provided at regular intervals (at least six monthly). Records detailing the training provided will be made available on the premises for production on request to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.
- The Challenge 25 proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of age. The only forms of acceptable identification shall be either a valid photographic driving licence, a valid passport, military identification, or any other recognised form of photographic identification incorporating the PASS logo. Failure to produce satisfactory proof of age will result in a refused sale.
- Clear prominent signage informing customers of the age verification policy in operation will be displayed throughout the premises.
- A system of recording all refused sales will be operated at all times. The refusal log will be maintained on site which the Designated

Premises Supervisor (or Deputy authorised in writing) will, at least monthly, examine the record and action, as necessary. The records will be retained for a minimum of two years (either on the premises or at Head Office) and made available to an officer of a Responsible Authority on request.

2.8 On 28 June 2024 the Premises Licence Holder and Derbyshire Police Licensing Unit agreed for the following conditions to be appended to the premises licence should the application be deemed as granted:-

- An incident book shall be maintained to record any activity of a violent, criminal, or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of a relevant Responsible Authority and/or Police Officer. The records will be retained for at least 12 months.
- The Premises Licence Holder will produce and implement a suitable and sufficient written drugs policy.
- CCTV shall be installed at the premises in the form of a recordable system, capable of providing clear, good quality, real time images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises, any external seating, or smoking areas all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place.
- CCTV equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises is open to the public.
- CCTV recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation.
- CCTV recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
- There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.
- A prominent, legible notice requesting people to leave the premises and the area quietly will be displayed at the exit.
- The Premises Licence Holder, or persons authorised by them, will control the volume of regulated entertainment taking place at the premises, specifically for those events terminating after midnight.

2.9 On 04 July 2024 the Premises Licence Holder and the Environmental Health Department at High Peak Borough Council agreed for the following condition to be appended to the premises licence should the application be deemed as granted:-

- Outside areas shall not be utilised after 23:00 hours on any day. Any tables or chairs (in any beer garden, or pavement area, subject to licence) shall be rendered unusable by 23:00 hours on each day.

Relevant Representations

2.10 Responsible Authorities

Environmental Health Officer – Condition agreed.
Planning Officer – None received
Health and Safety Authority – None received
Child Protection Body – None received.
Derbyshire County Council Trading Standards – Conditions agreed.
Home Office Immigration – None received.
Derbyshire Public Health - None received.
Derbyshire Police – Conditions agreed.
Derbyshire Fire and Rescue Service – None received.
Home Office Alcohol Licensing Team – None received.

2.11 Other Persons

During the consultation period eleven representations were received from interested parties (local residents). Copies of these representations are attached at Appendix 3.

2.12 The Committee are advised that the relevant points of the representations are based around the proposed extension to the current hours for licensable activities and opening times, and concerns of noise disturbance to neighbouring residential properties and anti-social behaviour.

2.13 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.”

- 2.14 A plan showing the location of the premises is attached at Appendix 4.

Local Policy Consideration

- 2.15 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

- 2.16 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.

- 2.17 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.

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

- 2.19 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.

- 2.20 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 Richard S J Ellison 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
Head of Environmental Health and Licensing

Background Papers

High Peak Borough Council
Licensing Policy 2021 - 2026
Amended Guidance issued under
Section 182 of the LA2003

Location

Licensing Section

Contact

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