

**HIGH PEAK BOROUGH COUNCIL**

**Report to Licensing Sub-Committee**

**22<sup>nd</sup> June 2017**

<b>TITLE:</b>	<b>Application for a New Premises Licence – Dove Holes Cricket Club, Hallsteads, Dove Holes SK17 8BJ</b>
<b>Portfolio:</b>	<b>Councillor Tony Kemp</b>
<b>Contact:</b>	<b>Alicia Patterson, Operations Manager Regulatory Services</b>

**Appendices Attached;**

Appendix 1 – Application for a New Premises Licence

Appendix 2 – Relevant Resident Representations

Appendix 3 – Objector invitations to hearing

Appendix 4 – Licence Conditions

1. **Reason for the Report:** To advise the Licensing Sub-Committee of an application for a Premises Licence on behalf of Dove Holes Cricket Club, Hallsteads, Dove Holes SK17 8 BJ and to determine the application.
  
2. **Recommendation**
  - 2.1 The Licensing Committee are invited to determine the application and to that purpose may
    - 2.1.1. Approve the Application;
    - 2.1.2. Approve the Application with amendment to the proposed hours or the addition of any relevant additional conditions as may be deemed necessary and appropriate;
    - 2.1.3. Reject the Application.

### 3. Executive Summary

- 3.1 An Application For a New Premises Licence in connection with Dove Holes Cricket Club, Hallsteads, Dove Holes SK13 8BJ was received from Pamela Leaning on 21<sup>st</sup> April 2017. A copy of the Application is provided at Appendix 1.
- 3.2 The Application proposed the following hours of operation of the business in terms live music, regulated entertainment (recorded music) and the sale of alcohol;
- 3.2.1 Monday to Thursday, 11:00 – 23:00 all licensable activities;
- 3.2.2 Friday 11:00 – 24:00 all licensable activities
- 3.2.3 Saturday 24:00 – 01:00 and 11:00 – 24:00 all licensable activities
- 3.2.4 Sunday 24:00 – 01:00 and 11:00 – 24:00 all licensable activities
- 3.3 Notice of Application was displayed at the premises from 24<sup>th</sup> April 2017. A copy of the Notice and also a copy of the site plan are included as part of the Application in Appendix 1.
- 3.4 The Application was publicised in accordance with the requirements of the licensing Act 2003, and all relevant statutory consultees were sent a copy of the application. The Authority received 2 responses to the consultation;
- 3.4.1 A representation was received from Mr M and Ms S of, Dove Holes SK17 8BJ on 9<sup>th</sup> May 2017 on the grounds that there is already a licensed bar in the immediate vicinity, noise from loud music and people outside the premises drinking and smoking, excessive hours given that there is already a late opening pub in the village, problem parking and litter.
- 3.4.2 A representation was received from Mrs H of Dove Holes, SK17 8BS on 19<sup>th</sup> May 2017, on the grounds of nuisance parking, excessive hours for a residential area and the proximity of premises that are already licensed.
- 3.4.3 A representation was made by the Derbyshire Police on 17<sup>th</sup> May 2017 to say that they had agreed the following condition with the applicant;
- 'CCTV is maintained, is in working order and the system will be fit for purpose; for the prevention and detection of crime, and be capable of providing an image of identification standard. The CCTV will be made available to Police upon request. The system will display on any recording the correct date and time and images will be retained for 31 days'*

*'Outdoor, live entertainment will cease at midnight to prevent public nuisance'*

Copies of the Resident representations are attached as Appendix 2.

- 3.5 Following the public representations received, the applicant was informed and was asked if they wished to withdraw or amend their application. An email was sent to the applicant on 30<sup>th</sup> May 2017 following discussion with the applicant, and it was proposed that the applicant varied the hours applied for to try and mitigate against the public representations. . A copy of the email is attached as Appendix 2. The proposal was to amend the Application to reduced hours for Regulated entertainment and live music as follows;

Outdoor Mon – Sunday 11:00 – 23:00

Indoor Sunday – Thursday 11:00 - 23:00

Friday & Saturday 11:00 – 00:00

And to amend the hours for sale of alcohol on a Friday and Saturday to 11:00 – 00:00 with half an hours drinking up time, altering the opening hours to 11:00 – 00:30. This was agreed by the applicant.

- 3.6 The residents who had submitted relevant representations were contacted to advise of the change, and were invited to withdraw their representations in the light of the proposed amendment. Both residents contacted the Council to confirm that they still objected to the hours proposed for licensable activity and that they wished their representation to be considered at a meeting of the Licensing Sub-Committee.
- 3.7 In accordance with the licensing requirements, a meeting of the Licensing Sub-Committee was therefore scheduled to hear the representation on 22<sup>nd</sup> June 2017. The objectors were notified of the date of the hearing by letter on 14<sup>th</sup> June 2017 and invited to attend to present their representations in person. Copies of the letters are attached as Appendix 3.

#### **4. Implications**

##### **4.1 Community Safety - (Crime and Disorder Act 1998)**

Potential impact on crime and disorder

##### **4.2 Workforce**

none

##### **4.3 Equality and Diversity/Equality Impact Assessment**

This report has been prepared in accordance with the Council's

Diversity and Equality Policies.

4.4 Financial Considerations

none

4.5 Legal

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

4.6 Sustainability

none

4.7 Internal and External Consultation

Responsible Authorities

Fire Officer – None received

Planning Officer – None Received

Health and Safety Authority – None received

Child Protection Body – None received

Derbyshire County Council Trading Standards - None received

Derbyshire Public Health - None received

Derbyshire Police – Received – condition agreed with applicant

Environmental Health Officer – None received

Other Persons

Residents - 2 Representations received and contained relevant objections.

**5. Background and Detail**

5.1 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

5.2 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 policy.

5.3 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.

- 5.4 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 5.5 The Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives and for this purpose such conditions on the licence as may be deemed necessary for this purpose can be added. There are several mandatory conditions that appear on all Premises Licences, and there are discretionary conditions that may be added. The Sub-Committee is asked to note that it may not add 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. It should be noted that live music and recorded music cannot be regulated by condition between the hours of 08:00 and 23:00 on licensed premises, provided that the audience does not exceed 500 persons, other than a condition relating to the control of noise to prevent public nuisance. The mandatory conditions and suggested operating conditions are given at Appendix 4.
- 5.6 The applicant and premises licence holder 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.

Alicia Patterson  
**Operations Manager (Environmental Health)**

**Web Links and  
Background Papers**

**Location**

**Contact details**