

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

6 April 2018

TITLE:	Application for the Grant of a Premises Licence for the Talbot Inn, Red Road, Alton, Staffordshire, ST10 4BX.
PORTFOLIO HOLDER:	Cllr. A.S. Forrester, Portfolio Holder for the Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Alton

Attached documents

Appendix 1 – Location Plan of Premises showing the vicinity of the premises and the surrounding residential area.

Appendix 2 – Application for the Grant of a Premises Licence.

Appendix 3 – Representation from an Interested Party

Appendix 4 – Letter from applicant’s representative.

Recommendations

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of The Talbot Inn, Red Road, Alton, Staffordshire, ST10 4BX within the provisions of the Licensing Act 2003. A location plan and a plan of the surrounding residential area is attached at Appendix 1.

Executive Summary

- 2.1 An application was received on 07 February 2018 from Mrs Sandra Williamson for the grant of a premises licence in respect of The Talbot Inn, Red Road, Alton, Staffordshire, ST10 4BX. During the consultation period a relevant representation was received and therefore the application is required to be determined by the Licensing Sub-Committee.

Background:

2.2 An application was received on 07 February 2018 from Mrs Sandra Williamson, Saddlers Cottage, Stanley Road, Stockton Brook, Stoke-on-Trent, ST9 9LJ for the grant of a premises licence in respect of The Talbot Inn, Red Road, Alton, Staffordshire, ST10 4BX. A copy of the application and plans showing the areas to be licensed is attached at Appendix 2.

The licensable activities applied for are:-

- Films (indoors), Indoor sporting events, Live music and Anything similar to music and dance (indoors and outdoors):-
Every day: - 10:00 – 02:00
- Recorded music (indoors and outdoors) and Supply of alcohol (for consumption on and off the premises):-
Every day: - 08:00 – 02:00
- Late Night Refreshment (indoors):-
Every day: - 23:00 – 02:00

Seasonal Variations for all licensable activities:-

- Christmas Eve and Boxing Day: - An additional hour to the standard times.
- From the beginning of the standard permitted times on New Year's Eve until the end of the standard permitted times on New Year's Day.

The opening times of the premises applied for are:-

- Every day:- 08:00 – 02:00

Seasonal Variations for the opening times of the premises:-

- Christmas Eve and Boxing Day: - An additional hour to the standard times.
- From the beginning of the standard permitted times on New Year's Eve until the end of the standard permitted times on New Year's Day.

2.3 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 08 February 2018 and 08 March 2018 by the displaying of a public

notice on the premises and in a local newspaper namely the Times and Echo (14 February 2018) giving details of the application.

- 2.4 During the consultation period Staffordshire Police and the applicant agreed that the terminal hour for the sale of alcohol be amended to 01:30 every day, therefore giving a period of 30 minutes “drinking up time” prior to the premises closing.
- 2.5 On 12 February 2018 following a site visit to the premises from the Licensing Department and the Environmental Health Department at Staffordshire Moorlands District Council the applicant requested via e-mail that the application be amended to reflect that regulated entertainment would be indoors only and not indoors and outdoors as originally applied for on the application form.

During the consultation period the Environmental Health Department at Staffordshire Moorlands District Council and the applicant also agreed that the following conditions be added to the operating schedule:-

- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- No amplified music shall be played outside the building being proposed in connection with this premises licence.
- All windows and external doors shall be kept closed 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.

Relevant Representations

2.6 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 Police – Terminal hour for the sale of alcohol amended to reflect 01:30 hours every day.

Environmental Health Officer – Conditions agreed during the consultation period and confirmation received following a site visit that regulated entertainment would be indoors only.

2.7 Other Persons

One representation was received during the consultation period from a local resident. A copy of this representation is attached at Appendix 3.

2.8 The committee are advised that the relevant points of the representation are based around the hours applied for being too long which may lead to public nuisance and anti-social behaviour and the hours applied for regulated entertainment being too long which may result in noise pollution. Consideration cannot be given to location of the premises, parking issues, traffic or vehicle congestion, police patrols and access to the premises.

2.9 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”.

2.10 On 19 March 2018 a letter was received from Mr Philip Plant MCIAT. Mr Plant will be assisting the applicant Mrs Sandra Williamson at the Licensing hearing and the letter submitted is in response to the objection received to the application. A copy of this letter is attached at Appendix 4.

Local Policy Consideration

2.11 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

- 2.12 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.
- 2.13 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.
- 2.14 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 2.15 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.

- 2.16 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 Mrs Sandra Williamson or the interested party 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

Mike Towers
Senior Officer (Housing,
Public Health & Licensing)
01538 395400 x4400