

**HIGH PEAK BOROUGH COUNCIL**

**Report to Licensing Sub-Committee**

*18 July 2018*

<b>TITLE:</b>	<b>Application for the Grant of a Premises Licence for Edwards Wine Bar, Station Approach, Hadfield, Glossop, SK13 1AA.</b>
<b>PORTFOLIO:</b>	<b>Councillor Tony Kemp</b>
<b>OFFICER:</b>	<b>Mike Towers, Senior Officer (Housing, Public Health &amp; Licensing</b>
<b>WARD:</b>	<b>Hadfield North.</b>

**Appendices Attached.**

**Appendix 1 – Copy of the application.**

**Appendix 2 – Copies of representations opposing the application.**

**Appendix 3 – Location plan to show the proximity of the objectors to the premises.**

**Appendix 4 – Summary of historical complaints.**

**Appendix 5 - Copies of representations in support of the application.**

**Appendix 6 – Location plan of the premises submitted by applicant's agent.**

**Reason for the report:**

- 1.1 To hold a hearing to determine the application for the Grant of a Premises Licence in respect of Edwards Wine Bar, Station Approach, Hadfield, Glossop, SK13 1AA within the provisions of the Licensing Act 2003 due to relevant representations being received from interested parties.

## **Executive Summary**

2.1 The above application was received on 21 May 2018 from Mr Tony Dales, Bakers Solicitors, 89 High Street West, Glossop, SK13 8BB on behalf of the applicant Mr Roy Irving. During the consultation period 18 relevant representations were received opposing the grant of the application and 3 in support of the application. Therefore, the application is required to be determined by the Licensing Sub-Committee.

### **Background:**

2.2 An application was received on 21 May 2018 from Mr Tony Dales, Bakers Solicitors, 89 High Street West, Glossop, SK13 8BB on behalf of Mr Roy Irving, 47 West Drive, Tintwhistle, Derbyshire, SK13 1LK for the Grant of a Premises Licence in respect of Edwards Wine Bar, Station Approach, Hadfield, Glossop, SK13 8BB. A copy of the application and plans showing the areas to be licensed is attached at Appendix 12.

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

- Live music (indoors), Recorded music (indoors), Performance of dance (indoors), Supply of alcohol (for consumption on and off the premises):-  
Sunday to Thursday:- 10:00 – 23:30  
Friday and Saturday:- 10:00 – 01:30

### **Seasonal Variations:-**

- On the day preceding a Bank Holiday:- Live and recorded music and performance of dance:- 10:00 – 01:00.
- On the day preceding a Bank Holiday:- the supply of alcohol:- 10:00 – 01:30.
- New Year's Eve:- Live and recorded music, the performance of dance and the supply of alcohol:- 10:00 – 03:00.

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

- Sunday to Thursday:- 06:30 – 00:00
- Friday and Saturday:- 06.30 – 01:30

### **Seasonal Variations for the opening times of the premises:-**

- On the day preceding a Bank Holiday:- 06:30 – 01:30
- New Year's Eve:- 06:30 – 03:30

2.3 The premises previously held a premises licence under the Licensing Act 2003 which permitted the following licensable activities:-

- Films, Indoor sporting events, Live music, Recorded music, Performance of dance, Anything similar to music and dance:-  
Sunday to Thursday:- 10:00 – 00:30  
Friday and Saturday:- 10:00 – 02:30 (Films and indoor sporting events only, all other regulated entertainment until 01:30).
- Sale of alcohol (for consumption on and off the premises):-  
Sunday to Thursday:- 10:00 – 00:00  
Friday and Saturday:- 10:00 – 02:00

The hours the premises were permitted to be open:-  
Sunday to Thursday:- 10:00 – 00:30  
Friday and Saturday:- 10:00 – 02:30

From the beginning of New Year's Eve until the end of New Year's Day for all regulated entertainment, sale of alcohol and opening of the premises.

2.4 This premises licence lapsed due to the dissolution of the Ltd Company who previously held the licence and therefore the applicant was unable to transfer the licence.

2.5 In accordance with the requirements of the Licensing Act 2003 consultation on the grant application was originally conducted between 22 May 2018 and 18 June 2018 by the displaying of a public notice on the premises and in a local newspaper namely the Glossop Chronicle (24 May 2018). However, the consultation period was extended to 28 June 2018 by the Licensing Authority at High Peak Borough Council due to an error with the plans submitted with the application.

2.6 During the consultation period Derbyshire Police and the applicant discussed the application and the proposed conditions. An agreement was reached that conditions 3 and 4 detailed on the "statement to support all 4 licensing objectives" and which refer to a purchasing policy and purchasing records were not necessary as the applicant had no intention of selling tobacco products and was required to keep records of alcohol purchases for his accountant. Derbyshire Police did however request the following conditions:-

“The Designated Premises Supervisor (or person nominated by them) will undertake risk assessments of upcoming events held either at the premises or in the locality that are likely to result in additional custom and/or a change to the usual customer base at the premises. The risk assessment will be recorded in the incident log and will detail the following:-

- The nature of the event;
- The likely attendance,
- Any special staffing requirements;
- Whether door staff are to be employed for the duration of the event, including the number to be employed and the times of their employment.

On 11 June 2018 the applicant agreed to the above conditions being appended to the premises licence should the application be deemed granted.

2.7 On 15 June 2018 Licensing Services received confirmation that having discussed the application, Mr Matthew Rhodes, Environmental Health Officer at High Peak Borough Council and the applicant and his agent had agreed that the following conditions be appended to the premises licence should it be deemed granted:-

- All windows and external doors shall be kept closed after 22:30 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- There will be no external loud speakers
- Drinks shall not be taken into the outside seating area after 22:30
- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- No bottles, glasses or similar items may be disposed of in outside receptacles after 22:30.

During the consultation period Derbyshire Trading Standards Department also entered into negotiations with the applicant and his agent and the following conditions were also agreed to be appended to the licence if deemed granted:-

- Full training is provided to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to

follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (at least 6 monthly).

- Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years
- The age verification policy applying to the premises is “Challenge 25”, that means that anyone attempting to purchase alcohol (or other minimum 18 restricted product) that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.
- Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:-

- a) all entry points to the premises;
- b) adjacent to the products, where displayed, and
- c) all points of sale.

- A system of recording sales refused under the age verification policy will be operated at all times.
- At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:-
  - a) examine the record and compare it against the normal operating pattern for the premises;
  - b) indicate any action required following that examination;
  - c) sign off/endorse the record to indicate the above points have been carried out.
- The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.

## **Relevant Representations**

### 2.8 Responsible Authorities

Planning Officer – None received

Health and Safety Authority – None received  
Child Protection Body – None received  
Home Office Immigration – None received  
Derbyshire Public Health - None received  
Derbyshire Police – Conditions agreed during the consultation period.  
Environmental Health Officer – Conditions agreed during the consultation period.  
Derbyshire County Council Trading Standards – Conditions agreed during the consultation period.

## 2.9 Other Persons

During the consultation period 18 representations objecting to the application were received from interested parties. Copies of these are attached at Appendix 2 with a copy of Mr Peter Clayton's objection letter which is referred to on the representation forms.

- 2.10 The committee are advised that the relevant points of the representations 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. The representations also refer to previous experiences of loud, rowdy behaviour and inappropriate language when patrons have previously left the premises. Concerns are also raised regarding noise breakout during access and egress to the outside terrace via the french windows.
- 2.11 A location plan to show the proximity of the objectors to the premises is attached at Appendix 3.
- 2.12 On 21 June 2018 Dr Geoff Baines (who has submitted a relevant representation opposing the application) contacted Licensing Services with the enquiry detailed below:-
- “Could you confirm that the Environmental Health Officer has:
- a. Visited the location?
  - b. Consulted the previous history relating to Edwards when measurements of noise were made which concluded that the building was not suitable for playing amplified music?”
- 2.13 Further to this enquiry the Licensing Department contacted Mr Matthew Rhodes and Mr Peter Hollingsworth, Environmental Health Department at High Peak Borough Council and the following

response was received from Mr Matthew Rhodes:-

- a. "I can confirm that I visited the site on the 14<sup>th</sup> June 2018;
- b. I've spoken to Mr Hollingsworth (EHO) who investigated previous complaints from the site, and looked at case notes. I can find no suggestion that the building is not suitable for playing amplified music. A visual inspection suggests the building is well constructed with few, and small window openings (all be it single glazed). Previous noise measurements undertaken by HPBC (that I can find reference of) concerned noise from ventilation/air conditioning condenser fans."

- 2.14 A summary of historical complaints/actions dealt with by the Environmental Health Department when the premises was previously licensed is attached at Appendix 4.
- 2.15 During the consultation period 3 representations were received in support of the application. Copies of these are attached at Appendix 5.
- 2.16 On 27 June 2018 Mr Tony Dales sent a copy of a location plan detailing the premises and nearby residential properties. Mr Dales requested this be included in the report and is therefore attached at Appendix 6.

### **Local Policy Consideration**

- 2.17 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
- 2.18 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.
- 2.19 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.

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

2.21 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.

2.22 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 Roy Irving or any persons who have submitted either a representation in opposition or support of the application 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**

**Location**

**Contact**

**Web Links and**

Licensing Section

Mike Towers

**Background Papers**

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Public Health & Licensing)  
0345 129 7777 ext 4400

High Peak Borough Council

Licensing Policy:- 2010

Amended Guidance issued under

Section 182 of the LA2003