

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Licensing Sub-Committee**

*26 June 2019*

<b>TITLE:</b>	<b>Application for the Variation of a Premises Licence for Hotel Rudyard, Lake Road, Rudyard, Staffordshire, ST13 8RN.</b>
<b>PORTFOLIO:</b>	<b>Environment</b>
<b>OFFICER:</b>	<b>Mike Towers, Senior Officer (Housing, Public Health &amp; Licensing)</b>
<b>WARD:</b>	<b>Horton</b>

**Attached documents**

- Appendix 1 – Copy of the application form and plans.**
- Appendix 2 – Copy of the current premises licence**
- Appendix 3 – Copy of an e-mail from Mr G Cross.**
- Appendix 4 – Plan to define the usage of the areas of the premises.**
- Appendix 5 – E-mail from Environmental Health.**
- Appendix 6 – Relevant representation from Environmental Health Department.**
- Appendix 7 – Relevant representations from interested parties.**
- Appendix 8 – Map to show the proximity of objectors to the premises.**

**Recommendations**

- 1.1 That members determine the application for the Variation of a Premises Licence in respect of Hotel Rudyard, Lake Road, Rudyard, Staffordshire Moorlands, ST13 8RN within the provisions of the Licensing Act 2003.

**Executive Summary**

- 2.1 An application was received on 02 May 2019 from Mr Glyn Cross, Trent Licensing on behalf of Childerplay Ltd, for a variation of the current premises licence in respect of Hotel Rudyard, Lake Road, Rudyard, Staffordshire, ST13 8RN. During the consultation period a

relevant representation was received from the Environment Health Department at Staffordshire Moorlands District Council, a representation from Horton Parish Council and five representations from interested parties. Therefore, the application is required to be determined by the Licensing Sub-Committee.

**Background:**

2.2 An application was received on 02 May 2019 from Mr Glyn Cross, Trent Licensing, on behalf of Childerplay Ltd, Bank House, Market Square, Congleton, Cheshire, CW12 1ET for the variation of a premises licence in respect of Hotel Rudyard, Lake Road, Rudyard, Staffordshire, ST13 8RN. This application is to include the outside area and existing garden within the licensable area and to include an outside bar and servery within the location. A copy of the application and plans defining the proposed licensable area and the location of the proposed bar is attached at Appendix 1.

2.3 The premises currently holds a premises licence which permits the following licensable activities:-

- Performance of live music (Ballroom only), recorded music , entertainment similar to live and recorded music (indoors and outdoors):-  
Every day: - 10:00 – 02:00
- Sale of alcohol (for consumption on and off the premises):-  
Every day: - 10:00 – 02:00
- Late Night Refreshment (indoors & outdoors):-  
Every day: - 23:00 – 02:00

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

- Every day:- 07:30 – 02:30

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 03 May 2019 and 30 May 2019 by the displaying of a public notice on the premises and in a local newspaper namely the Leek Post and Times (15 May 2019) giving details of the application. A copy of the application was also displayed on the Staffordshire Moorlands District Council's webpage.

- 2.5 On 21 May 2019 Mr Denis Colgan, Environmental Health Officer at Staffordshire Moorlands District Council attended the premises and raised concerns with Mr Glyn Cross, the applicant's agent with regards to the outside areas forming part of the licensed premises (the outside area is currently used for consumption of food and alcohol only). This was due to the Live Music Act 2012 and the further deregulatory changes (April 2015) that amended the Licensing Act 2003 to state:-

“Live music: no licence permission is required for:  
a performance of amplified live 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”.

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”.

- 2.6 On 21 May 2019 following the site visit, Mr Glyn Cross sent an e-mail to Mr Denis Colgan with proposed additional conditions to promote the licensing objectives and a proposal to amend condition 15 on the current premises licence to state “The Designated Premises Supervisor shall not permit the use of the beer garden after 23:00 hours on any day”. The condition currently attached to the premises licence states “23:30”. A copy of this e-mail is attached at Appendix 3.
- 2.7 Further to the site visit by Mr Colgan, the Licensing Authority contacted Mr Cross to clarify on the plan the area he was referring to as the beer garden and the intended use of the areas relating to the premises. This was received on 28 May 2019 and a copy of this is attached at Appendix 4.
- 2.8 On 27 May 2019 the Licensing Authority received a response from the Environmental Health Department to the e-mail from Mr Glyn Cross. A copy of this is attached at Appendix 5.
- 2.9 On 29 May 2019 the Environmental Health Department submitted a relevant representation to the application, as they could not be satisfied that if the proposed outside area formed part of the licensed premises then due to the de-regulation, regulated entertainment would be permitted and any proposed conditions by the applicant would not be enforceable between the hours of 08:00 and 23:00 hours. A copy of this representation is attached at

## Appendix 6.

### **Relevant Representations**

#### 2.10 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.

#### 2.11 Other Persons

During the consultation period a representation was received from Mrs Susan Clulow on behalf of Horton Parish Council and five representations from local residents. Copies of these representations are attached at Appendix 7.

2.12 A map showing the proximity of the objectors to the premises is attached at Appendix 8.

2.13 The committee are advised that the relevant points of the representations are based around a bar being situated in the outside area which may lead to noise disturbance, light pollution and anti-social behaviour. The Licensing Act 2003 does not permit the Licensing Sub-Committee to consider the potential for house prices to be affected or that the premises is located within a conservation area as the latter is a consideration within Planning legislation.

2.14 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”.

- 2.15 A previous application to vary the premises licence in respect of Hotel Rudyard was received on 01 February 2017. This application was due to internal minor structural alterations to the premises and to extend the hours for the sale of alcohol until 02:00 hours and to include the outside area as part of the licensed premises. However, the application stipulated that any entertainment or sale of alcohol at an outside bar would cease at 23:30.
- 2.16 During the consultation period the Environmental Health Officer at Staffordshire Moorlands District Council submitted a relevant representation to the Licensing Authority. A representation was also submitted by a local resident.
- 2.17 Further to the representation being submitted by the Environmental Health Officer, the applicant requested to amend the application to remove the “marquee element of the application” and agreed to a condition restricting live music to the ballroom only. The following additional conditions were also agreed by the applicant and the Environmental Health Officer to be appended to the licence if deemed granted.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance to the nearest residential properties.
  - When regulated entertainment takes place the Designated Premises Supervisor or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a Police Officer or an authorised officer of the Local District Council.
  - All doors and windows should be kept closed after 22:00 hours when regulated entertainment is being provided except in the event of an emergency.
  - Speakers shall not be located or operated in the entrance lobby or outside the premises.
  - Notices to be displayed requesting patrons to disperse quietly from the premises.
- 2.18 Due to the application being amended to remove the “marquee area” and additional conditions being imposed to promote the licensing objective of the prevention of public nuisance the Environmental Health Officer and the local resident withdrew their representations.

2.19 The plan submitted with this application did not clearly define the outside area that was applied for to be licensed. However, due to the above agreement, it is the understanding of the Premises Licence Holder, the Licensing Authority and the Environmental Health Department at Staffordshire Moorlands District Council that the outside area does not form part of the licensed premises.

### **Local Policy Consideration**

2.20 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

2.21 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.

2.22 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.

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

2.24 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.

- 2.25 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 Childerplay Ltd, 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  
**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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