

AGENDA ITEM 1

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

31 May 2023

TITLE:	Application for the Grant of a Premises Licence for Lockside at Greenway Hall, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ.
PORTFOLIO:	Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Bagnall and Stanley

Attached documents.

Appendix 1 – Copy of the application form and plan.

Appendix 2 – Photographs of the marquee in situ.

Appendix 3 – Representation from Environmental Health

Appendix 4 – Representations from Other Persons (local residents and Parish Council).

Appendix 5 – Statement submitted by Mr G Cross on behalf of applicant.

Recommendations

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of Lockside at Greenway Hall, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ within the provisions of the Licensing Act 2003.

Executive Summary

- 2.1 An application was received on 06 March 2023 from Mr Glyn Cross, Trent Licensing, on behalf of his client Mrs Deborah Jane Burton for the grant of a premises licence in respect of Lockside at Greenway Hall, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ. During

the consultation period 19 relevant representations were received and therefore, the application is required to be determined by the Licensing Sub-Committee.

Background:

2.2 An application was received on 06 March 2023 from Mr Glyn Cross, Trent Licensing on behalf of Mrs Deborah Jane Burton for the grant of a premises licence in respect of Lockside at Greenway Hall, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ. This application is seeking to incorporate the existing clubhouse, external rear patio area, external patio area to the right of the premises and the marquee to the left of the premises (when facing the premises from the main road) as the licensed area. A copy of the application form and plans are attached at Appendix 1.

2.3 The licensable activities applied for are:-

- Live and recorded music and Performance of dance (Indoor and outdoor):-
Every day:- 11:00 - 00:30
Seasonal Variations:- until 01:00 on Christmas Eve and New Year's Eve.
- Late night refreshment (indoors):-
Every day:- 23:00 – 00:30
Seasonal Variations:- until 01:00 on Christmas Eve and New Year's Eve.
- Supply of alcohol (for consumption on and off the premises):-
Every day:- 09:00 – 00:30
Seasonal Variations:- until 01:00 on Christmas Eve and New Year's Eve.

The application stipulates that regulated entertainment and the sale of alcohol will be restricted in the external areas to cease at 23:00 on any day (this includes the seasonal variations applied for).

The proposed opening times applied for are:-

- Every day:- 07:00 – 01:00
Seasonal Variations:- until 01:30 on Christmas Eve and New Year's Eve.

2.4 Greenway Hall Golf Club currently holds a premises licence which includes the Clubhouse, the Driving Range and further to an

application to vary the licence, which was determined by the Licensing Sub-Committee on 19 June 2020, now includes the external rear patio and the external area to the right of the premises as part of the licensed area.

- 2.5 All parties are advised that the current licence is not for consideration at this hearing and therefore, cannot be amended by the Licensing Sub-Committee.
- 2.6 This new application seeks to replicate the hours (but to include Christmas Eve under seasonal variations), conditions and licensed areas that are on the current premises licence but also seeks to include the marquee as part of the licensed area.
- 2.7 Photographs of the marquee in situ are attached at Appendix 2.
- 2.8 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 07 March 2023 and 04 April 2023 by the displaying of a public notice on the premises, on the gateway to the entrance to the premises and in a local newspaper, namely The Sentinel (13 March 2023) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.

Relevant Representations

2.9 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 Fire and Rescue Services – None received.

Staffordshire Police – None received.

Environmental Health Officer – Relevant representation submitted during the consultation period.

- 2.10 On 04 April 2023 a relevant representation was received from the Environmental Health Department at Staffordshire Moorlands District Council due to a number of complaints relating to loud music from the marquee during the Christmas party season. The Environmental Health Officer was also concerned that should the marquee become part of the licensed area this would cause a public nuisance and compromise residential amenity for neighbours

in the vicinity of the premises, therefore, undermining the licensing objective of the prevention of public nuisance. A copy of this representation is attached at Appendix 3.

2.11 In respect of outside entertainment, The Live Music Act 2012 and the subsequent deregulatory changes that amended the Licensing Act 2003 state: -

Live music: no licence permission is required for: -

- A performance of unamplified live music between 08:00 – 23:00 on any day on any premises.
- A performance of amplified music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500.
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that does not have a licence, 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.

2.12 Where beer gardens are included as part of the licensed premises and therefore shown on the plans attached to the licence, then live amplified music is exempt providing that the performance is between 08:00 – 23:00 and the audience is 500 or less.

2.13 Where a beer garden does not form part of the licensed premises and therefore not included in the plan attached to the licence it is likely that it would be classed as a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 which states “workplace means any premises or part of premises which are not domestic premises and are made available to any person as a place of work and includes any place within the premises to which such person has access while at work and any room, lobby, corridor, staircase road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work”.

2.14 However, it should be noted that the workplace exemption does not apply to the playing of recorded music and therefore the de-regulation is only applicable if the relevant area forms part of the

licensed premises. It should also be noted that The Live Music Act 2012 provides that if a premises is licensed under the Licensing Act 2003, they cannot also be treated as a workplace for the purpose of the 2012 Act.

- 2.15 Although Licensing and Planning are separate regimes, during the consultation period the Licensing Authority at Staffordshire Moorlands District Council sought clarification from the Planning Department in respect of the legislation in regard to marquees. The following confirmation was received:-

“The marquee may be permitted under Schedule 2 Part 2, Class G of the Town & Country Planning General Permitted Development (England) Order 2015, as amended.

Class G permits

The provision of one moveable structure within the curtilage of a building used for a drinking establishment or sale of food and drink etc.

The marquee would not be permitted by the above if:

It is in the curtilage of a Listed Building

It is within 2 metres of residential land.

It is higher than 3 metres.

The footprint of the marquee exceeds the lesser of 50% of the footprint of the building or 50sq m.

If it is used for the display of an advertisement”.

Other Persons

- 2.16 During the consultation period 18 representations were received from other persons, namely residents who reside in the neighbouring vicinity and Bagnall Parish Council. Copies of these representations are attached at Appendix 4.

- 2.17 The committee are advised that the relevant points of the representations are based around the proposed addition of the marquee and the potential for it to be utilised 365 days per year, and current complaints of noise and anti-social behaviour whilst the marquee has been operating under Temporary Event Notices.

- 2.18 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.”

- 2.19 Although there is no requirement for other persons to live in the vicinity when considering relevant representations, it is confirmed that all persons who have submitted a representation live within 0.5 miles of the proximity of the application premises.
- 2.20 On 18 May 2023 a statement was submitted to the Licensing Authority from Mr Glyn Cross, Licensing Agent on behalf of Mrs D Burton outlining the reasons for the application, the conditions volunteered and the intentions for the use of the marquee. A copy of this statement is attached at Appendix 5.

Local Policy Consideration

- 2.21 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
- 2.22 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.
- 2.23 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.
- 2.24 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 2.25 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.

- 2.26 The applicant, Environmental Health or the interested parties have the right of appeal to the Magistrates Court within the period of 21 days beginning with the day on which they 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 Deborah Jane Burton, the Environmental Health Department at Staffordshire Moorlands District Council, or any other persons 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:-
2021 - 2026
Amended Guidance issued under
Section 182 of the LA2003

Location

Licensing Section

Contact

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