

AGENDA ITEM 1

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

04 December 2023

TITLE:	Application for the Grant of a Premises Licence for Tigerbite, 3 Smithfield Centre, Leek, Staffordshire, ST13 5JW.
PORTFOLIO:	Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Leek East

Attached documents.

Appendix 1 – Copy of the application form and plan of the premises.

Appendix 2 – Representation from Environmental Health

Appendix 3 – Location Plan

Recommendations

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of Tigerbite, 3 Smithfield Centre, Leek, Staffordshire, ST13 5JW within the provisions of the Licensing Act 2003.

Executive Summary

- 2.1 An application was received on 12 October 2023 from Leek Fast Food Ltd for the grant of a premises licence in respect of Tigerbite, 3 Smithfield Centre, Leek, Staffordshire, ST13 5JW. 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 12 October 2023 from Leek Fast Food Ltd, for the grant of a premises licence in respect of Tigerbite, 3 Smithfield Centre, Leek, Staffordshire, ST13 5JW A copy of the application form and plan is attached at Appendix 1.

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

- **Late night refreshment:-**

Every day:- 23.00 – 03:00

The proposed opening times applied for are:-

- Every day:- 12:00 – 03:00

2.4 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 13 October 2023 to 09 November 2023 by the displaying of a public notice on the premises and in a local newspaper, namely The Leek Post and Times (18 October 2023) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.

2.5 During the consultation period Staffordshire Police Licensing Department and the applicant agreed to the conditions below replacing those detailed in Schedule (b) of Section 18 (operating schedule) of the application form, to be added to the premises licence should it be deemed as granted.

- CCTV must be installed and cover all internal/external areas that form part of the premises. The CCTV recording unit must be positioned in a secure part of the licensed premises. Access to the system must be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution, or apprehension of offenders or where disclosure is required by law.
- All images must be kept for a consecutive 28 day-period and to be produced to the Police, Trading Standards or Local

Authority Officers in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

- The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).
- There must be notices displayed throughout the premises stating that CCTV is in operation.
- There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or Local Authority Officers, within 24 hours of such a request being made.
- The premises will maintain an incident register that must record all incidents of disorder and refusals of service/ejections. This will be retained at the premises and be made available to Police on request.
- The Premises Licence Holder must consider the requirement for Door Staff at all times by way of a risk assessment. Where the risk assessment identifies the need for Door Staff to be deployed, Door Staff must be of sufficient number to be able to control entry to the premises and deal with any instances of disorderly behaviour within the premises simultaneously. Door Staff must remain at the premises until such time the premises are closed, and all members of the public have left the venue. The risk assessments must be retained and be made available for inspection upon the request by Police.
- Any persons utilised at the premises in the capacity of a Security/Door Staff must wear high visibility clothing in order they be distinguishable from staff and patrons.

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 Fire and Rescue Services – None received.

Staffordshire Police – Conditions agreed during the consultation period.

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

2.7 On 08 November 2023 a relevant representation was received from the Environmental Health Department at Staffordshire Moorlands District Council due to concerns about the potential for the licensing objective of the prevention of public nuisance being undermined should the licence be deemed as granted, and that the application is inconsistent with the current planning permission. A copy of this representation is attached at Appendix 2.

2.8 Applicants are advised, prior to applying for the Grant of a Premises Licence to have regard to the Staffordshire Moorlands District Council Licensing Policy 2021 – 2026.

2.9 Section 12.1 of the above policy states, “The planning, building control and licensing regimes will be properly separated. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. Applications for licences should not be a re-run of the planning application and should not cut across decisions taken by the Planning Committee.”

Local Policy Consideration

2.8 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

2.9 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.

2.10 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.

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

2.12 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.

2.13 The applicant or Environmental Health 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 Leek Fast Food Ltd or the Environmental Health Department at Staffordshire Moorlands District Council 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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