

**AGENDA ITEM 1**

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Licensing Sub-Committee**

*03 April 2024*

<b>TITLE:</b>	<b>Application for the Grant of a Premises Licence for 1 John Street, Biddulph, Staffordshire, ST8 6BB.</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>Biddulph East</b>

**Attached documents.**

- Appendix 1 – Copy of the application form and plan of the premises.**
- Appendix 2 – Representation from Environmental Health**
- Appendix 3 – Agreement from Applicant’s agent in regards to conditions and amended hours.**
- Appendix 4 – Location Plan**

**Recommendations**

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of 1 John Street, Biddulph, Staffordshire, ST8 6BB within the provisions of the Licensing Act 2003.

**Executive Summary**

- 2.1 An application was received on 02 February 2024 from Mr Ian Rushton, JL Licensing on behalf of his client Ms Tharmini Vasanthakumar for the grant of a premises licence in respect of 1 John Street, Biddulph, Staffordshire, ST8 6BB. 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 02 February 2024 from Mr Ian Rushton, JL Licensing on behalf of his client Ms Tharmini Vasanthakumar for the grant of a premises licence in respect of 1 John Street, Biddulph, Staffordshire, ST8 6BB. A copy of the application form and plan is attached at Appendix 1.

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

- **Sale of alcohol:-**

Every day:- 06.00 – 23:00

### **The proposed opening times applied for are:-**

- Every day:- 06:00 – 23:00

2.4 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 03 February 2024 and 01 March 2024 by the displaying of a public notice on the premises and in a local newspaper, namely The Sentinel (14 February 2024) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.

### **Relevant Representations**

#### **2.5 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.

- 2.7 On 27 February 2024 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 proposed premises would require a planning application for change of use. 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.”
- 2.10 On 08 March 2024, Mr Ian Rushton confirmed that his client agreed to the proposed conditions and the amendment of opening times as referred to in the representation from Environmental Health and that his client’s planning consultant was currently preparing a planning application. A copy of the e-mail detailing the above is attached at Appendix 3.
- 2.11 A location plan of the premises is attached at Appendix 4.

### **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 Ms Tharmini Vasanthakumar 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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