
ANDY O'BRIEN
CHIEF EXECUTIVE

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Dear Sir/Madam,

LICENSING ACT SUB-COMMITTEE

You are requested to attend a Meeting of the Licensing Act Sub-Committee at the **Coltman VC Room, Town Hall, King Edward Place, Burton upon Trent** on **Wednesday 22nd August 2018** at **1000hrs**

Yours faithfully,

ANDY O'BRIEN
CHIEF EXECUTIVE

To: **The Chairman and Members of the Licensing Act Sub-Committee:**

Councillors: B G Peters
L G Milner
Ms A J Legg

PUBLIC ACCESS TO INFORMATION

Members of the Public may attend this Meeting and are also entitled to see the background papers to any report which is not likely to be considered in private. Copies of the public Agenda, background papers, and reports will also be supplied on payment of a copying charge.

Please contact: Monica Henchcliffe (01283) 508608
E-mail: monica.henchcliffe@eaststaffsbc.gov.uk

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **APPOINTMENT OF CHAIRMAN**
4. **URGENT BUSINESS**

5. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE –
NEW INN, LUDGATE STREET, TUTBURY, BURTON UPON TRENT, D13 9NG**

The Report of the Head of Service regarding an Application for the Review of a Premises Licence under the Licensing Act 2003.

Reason for consideration by the Committee

An Application for the Review of a Premises Licence has been received from an “Other Party”.

1. **Application**

An Application for the Review of a Premises Licence under Section 51 of the Licensing Act 2003 has been received from an “Other Party”, in respect of New Inn, Ludgate Street, Tutbury, BURTON UPON TRENT, DE13 9NG

A site plan is attached to the report as [Appendix 1](#).

The Application, as shown with supporting evidence, is attached to the report as [Appendix 2](#).

The Review Application relates to the Prevention of Crime and Disorder and The Prevention of Public Licensing objectives.

The Application was received by the Licensing Office on Monday 2nd July 2018, and in accordance with Section 51 (3)(a) of the Licensing Act 2003, a copy of the Application was served by the Applicant, “Other Party”, on the Holder of the Premises Licence and on all Responsible Authorities. Following receipt of the Application the Licensing Authority advertised the Application in accordance with the Regulations of the Act thereby inviting representations to be made by any Responsible Authority or interested party by Thursday 2nd August 2018.

2. **Premises Licence Details**

Premises Licence Holder:	Stone Property Limited
Premises Address:	New Inn Ludgate Street Tutbury BURTON UPON TRENT DE13 9NG
Premises Licence Number:	PL0073

A copy of the Premises Licence is attached as [Appendix 3](#).

2.1 Current Licensable Activities and Hours

Supply of alcohol for consumption ON and OFF the Premises

Monday to Thursday	1000 to 0000hrs
Friday	1000 to 0100hrs
Saturday	1000 to 0100hrs
Sunday	1000 to 2330hrs
New Year's Eve/New Year's Day	New Year's Eve 10am to New Year's Day terminal hour

Performance of Live Music, Playing of recorded music, Performance of dance and Exhibition of Films – all indoors

Monday to Thursday	1000 to 0000hrs
Friday	1000 to 0100hrs
Saturday	1000 to 0100hrs
Sunday	1000 to 2330hrs
New Year's Eve/New Year's Day	New Year's Eve 10am to New Year's Day terminal hour

Indoor Sporting Event

Monday to Thursday	1000 to 0000hrs
Friday	1000 to 0100hrs
Saturday	1000 to 0100hrs
Sunday	1000 to 2330hrs
New Year's Eve/New Year's Day	New Year's Eve 10am to New Year's Day terminal hour

Late Night Refreshment – indoors

Monday to Thursday	2300 to 0000hrs
Friday	2300 to 0100hrs
Saturday	2300 to 0100hrs
Sunday	2300 to 2330hrs
New Year's Eve	2300 to 0500hrs
New Year's Day	2300 to 0000hrs – 0100hrs if Friday or Saturday and 2330hrs if Sunday

The Opening hours of the Premises

Monday to Thursday	1000 to 0030hrs
Friday	1000 to 0130hrs
Saturday	1000 to 0130hrs
Sunday	1000 to 0000hrs
New Year's Eve/New Year's Day	New Year's Eve 10am to New Year's Day terminal hour

3. Relevant Representations

Further letters received from Applicant, "Other Party" dated 25th and 30th July 2018 are attached as [Appendix 4](#)

3.1 Responsible Authorities

Comments have been received from the following Responsible Authorities:

Planning Department - [Appendix 5](#)

Immigration – [Appendix 6](#)

Environmental Health - [Appendix 7](#)

Staffordshire Police - [Appendix 8](#)

No representations have been received from the following Responsible Authorities:

Staffordshire Safeguarding Children Board

Staffordshire Fire and Rescue Service

Enforcement Team

Staffordshire Trading Standards

Director of Public Health (NHS)

Health and Safety Authority

3.2 Other Persons

Representations have been received from "Other Persons". The Representations are attached to the report as [Appendix 9](#) :

- Mr Kevin ROGERS
- Jean SHAKESPEARE
- Mr Daniel and Mrs Samantha WELLINGS
- Mrs Patricia WARHURST

Supporting Evidence has been received from the following and are attached to the report as [Appendix 10](#)

- Mr J & Mrs G M BENNETT
- Mr V STRETTON
- Mr J LEADBETTER
- Flint Bishop Solicitors on behalf of Mr Graham RAI, Ms Hayley McEVOY and Ms Kay LEWIS
- Mr Malcolm LAMBE

4. Law

Section 52 (2) Licensing Act 2003 – provides that, before determining the Application, the Authority must hold a Hearing to consider it and any Representations.

- (3) The Authority must, having regard to the Application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
- (4) The steps are –
 - (a) to modify the Conditions of the Licence;
 - (b) to exclude a Licensable activity from the scope of the Licences;
 - (c) to remove the Designated Premises Supervisor;
 - (d) to suspend the Licence for a period not exceeding three months;
 - (e) to revoke the Licence;

and for this purpose the Conditions of the Licence are modified if any of them is altered or omitted or any new Condition is added.

- (5) Subsection (3) is subject to Sections 19 to 21 (requirement to include certain Conditions in Premises Licence)
- (6) Where the Authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “**relevant representations**” means representations which –
 - (a) are relevant to one or more of the Licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are –
 - (a) the representations are made –
 - (i) by the Holder of the Premises Licence, a responsible Authority or any other person, and
 - (ii) within the period prescribed under Section 51(3)(c)
 - (b) that they have not been withdrawn; and
 - (c) if they are made by a person who is not a responsible Authority, that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.
- (9) Where the relevant Licensing Authority determines that any representations are frivolous or vexatious, it must notify the Person who made them of the reasons for that determination.

- (10) Where a Licensing Authority determines an application for Review under this section it must notify the determination and its reasons for making it to -
- (a) the Holder of the Licence,
 - (b) the Applicant,
 - (c) any person who made relevant Representations, and
 - (d) the Chief Officer of Police for the Police area (or each {Police area} in which the Premises are situated
- (11) A determination under this section does not have effect -
- (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the Appeal is disposed of.

5. **National Guidance – Revised Guidance issued under Section 182 of the Licensing Act 2003**

Please see following document for National Guidance relating to the Application

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003> (April 2018)

6. **Local Policy Considerations**
East Staffordshire Borough Council – Statement of Licensing Policy

The following extracts have been taken from East Staffordshire Borough Council's Statement of Licensing Policy:

- 8.16 Where an Application is made for the Review of a Premises Licence or Club Premises Certificate, the matter will be determined in accordance with the terms of this Policy. The Application for Review will be considered in accordance with the delegated criteria.
- 8.18 When an Application to Review a Premises Licence or Club Premises Certificate has been determined in accordance with the procedures detailed above, the Licence or Certificate will either:
- continue in operation unaltered,
 - be modified and the terms and conditions changed in accordance with the Licensing Authority decision, or
 - be cancelled.
- 8.19 The Licensing Authority will determine the date upon which the decision will take effect and the Licence holder and applicant for Review advised accordingly.
- 8.20 In relation to a modification or the cancellation of a Licence or Club Premises Certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the Applicant to Appeal against the Licensing Authorities decision.

7. **Details of negotiations that have been carried**

None

8. **Decision Options**

Application for the Review of a Premises Licence

- a. Refuse the Application
- b. Modify the Conditions of the Licence, by altering, omitting or adding to them where relevant
- c. Exclude a Licensable Activity from the scope of the Licence
- d. To remove the Designated Premises Supervisor
- e. Suspend the Licence for a period not exceeding three months
- f. Revoke the Licence

9. **Appeals (Application for the Review of a Premises Licence)**

Application refused – the Applicant or any other person who made relevant representations in relation to the Application may appeal

Application granted – the Licence holder may appeal

Application granted and conditions altered, omitted or added – the Licence holder, the Applicant and any other person who made relevant representations may appeal

Licence suspended for a period not exceeding three months - the Licence holder, the applicant and any other person who made relevant representations may appeal

Licence revoked – the Licence holder may appeal

10. **Details of who has been invited to attend**

The Applicant, Mrs Louise and Mr Garry RAYBOULD – “Other Party”

The Premises Licence Holder and/or a representative, Stone Property Limited

“Other Person” – Mr Kevin ROGERS

“Other Person” – Jean SHAKESPEARE

“Other Person” – Mr Daniel and Mrs Samantha WELLINGS

“Other Person” – Mrs Patricia WARHURST

In Support of Premises, New Inn:

- Mr J & Mrs G M BENNETT
- Mr V STRETTON
- Mr J LEADBETTER
- Flint Bishop Solicitors on behalf of Mr Graham RAI, Ms Hayley McEVOY and Ms Kay LEWIS
- Mr Malcolm LAMBE

11. **Date and Time of Hearing**

Wednesday 22nd August 2018 at 1000hrs

12. **List of Appendices**

1. Site Plan
2. Application and supporting evidence
3. A copy of the Premises Licence is attached

4. Copy of further letter received from Applicant, "Other Party", Mrs Louise REYNOLDS dated 25th July 2018 and 30th July 2018
5. Planning response
6. Immigration response
7. Environmental Health response
8. Staffordshire Police response
9. Letters of representations from "Other Parties", Mr Kevin ROGERS dated 25th July 2018, Ms Jean SHAKESPEARE dated 28th July 2018, Mr Daniel and Mrs Samantha WELLINGS dated 31st July 2018 and Mrs Patricia WARHURST
10. Letters of support from Mr J & Mrs G M BENNETT dated 28th July 2018, Mr V STRETTON received on 1st August 2018, Mr J LEADBETTER received on 1st August 2018, Flint Bishop Solicitors on behalf of Mr Graham RAI, Ms Hayley McEVOY and Ms Kay LEWIS received on 1st August 2018 and Mr Malcolm LAMBE received on 2nd August 2018

Report created by: Helen FARMAN-McKENNA - Licensing Officer