

Licensing Panel

Licensing Act 2003 Application for New Premises Licence

The Stables Wedding Venue, Slackfield Farm, Delph, OL3 5RJ

Report of Executive Member for: Neighbourhoods

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9th February 2021

Reason for Decision

The purpose of this report is to inform Members of an application for new premises licence in respect of The Stables Wedding Venue, Slackfield Farm, Delph, OL3 5RJ which, due to representations being received, has been referred to this Panel for determination.

Recommendations

Members are recommended to consider the application, taking into account the representations received.

**Licensing Act 2003 – Application for New Premises Licence
The Stables Wedding Venue, Slackfield Farm, Delph, OL3 5RJ**

1 Background

- 1.1 The purpose of this report is to inform Members of an application for new premises licence in respect of The Stables Wedding Venue, Slackfield Farm, Delph which, due to a representation being received, has been referred to this Panel for determination.
- 1.2 The scheduling of this hearing has been delayed due to the COVID-19 pandemic.

2 Recommendations

- 2.1 Members are recommended to consider the application, taking into account the representation received.

3 The Application

- 3.1 On the 5th December 2019, the applicant, Mark Stephen Hopkins, applied for a new premises licence in respect of the premises named above. The last day for representations in respect of the application was the 2nd January 2020.
- 3.2 Details of the licensable activities and the times applied for are as follows:-

Licensable Activity	Days & Times	
Live Music (indoors)	Monday - Sunday	13:00 – 00:00
Recorded Music (indoors)	Monday - Sunday	13:00 – 00:00

Performances of Dance (indoors)	Monday - Sunday	13:00 – 00:00
Supply of Alcohol (On the Premises)	Monday - Sunday	13:00 – 00:00
Hours premises are open to the public	Monday - Sunday	13:00 – 00:30

3.3 A copy of the application is attached at **Appendix 1**.

3.4 A location map is attached at **Appendix 2**.

4 Representations

4.1 Following submission and advertisement of the application several representations were received from both responsible authorities and interested parties. These can be found at Appendix 3 to this report.

4.2 A mediation meeting was arranged between the applicants and the Environmental Health, alongside the other interested parties who submitted objections against the grant of the licence. The mediation meeting resulted in the following conditions agreed:

- Signage regarding parking to be put in place on days of events & 3 marshalls in place
- No transfer of licence
- No guests coming in on Knott Hill Lane

In addition to the conditions, it was agreed that an independent noise report will be undertaken before a decision was made on Environmental Health withdrawing their representation.

4.3 The Noise Impact Assessment Report dated 8th March 2020 was accepted by Environmental Health and with the addition of the following conditions being agreed, their representation was withdrawn:

- All external doors & windows shall be kept closed when entertainment is being provided, other than for access and egress and in the event of an emergency. If additional ventilation is subsequently necessary, then it shall be attenuated in accordance with a scheme submitted to the licensing authority.
- The licence holder, or his representative, shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record of these checks made in a log book kept for that purpose and will include the time and date of the checks, the person making them and the results, including any remedial action.
- Prominent notices place on all exits from the premises requiring customers to leave the premises and the area quietly.

4.4 It should also be noted that following consultation with Greater Manchester Police and the Licensing Authority the application has been amended to incorporate the following to replace what was provided in the original Operating Schedule:

General

1. Function notification

The premises will be used for a maximum 12, one day events per calendar year and the councils licensing office must be notified at least 14 days prior to each event.

2. Staff training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every 12 months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

3. Designated Premises Supervisor (DPS)

The DPS must be present during any function.

4. List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

4. Personal Licence Holder to be on Premise at All Times

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

The Prevention of Crime and Disorder

5. Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- a) Any incident of violence or disorder on or immediately outside the premises
- b) Any incident involving controlled drugs (supply/possession/influence) on the premises
- c) Any other crime or criminal activity on the premises
- d) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- e) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- f) Any call for police assistance to the premises
- g) Any ejection from the premises
- h) Any first aid/other care given to a customer

Public Safety

6. All fire and risk assessments will be carried out and checked prior to any function and recorded.

7. No alcohol or glassware to be taken off the premises.

8. Glass Collection

In order to minimise the risk of persons becoming injured by broken glass, the designated premises supervisor must ensure that empty glasses, bottles and other containers are collected and disposed of regularly and at least every half-hour whilst the premise is open.

The Prevention of Public Nuisance

9. Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be inaudible at the nearest noise sensitive location.

10. Perimeter Inspections

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

11. Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

Protection of children from harm

12. Challenge 25 scheme

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

13. Under 18's

No persons under the age of 18 are permitted on the premises unless accompanied by a responsible adult.

14. Proxy Notices

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Section 8 of the Council's Statement of Licensing Policy relating to Public Nuisance.

5.2 In relation to Public Safety paragraph 8.2 provides:-

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

5.3 A full copy of the Councils Licensing Policy statement will be available at the hearing.

6 Secretary of State Guidance

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

6.2 In relation to 'Public Nuisance', paragraph 2.19 provides:-

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

A full copy of the guidance will be available at the hearing.

7 Options/Alternatives

7.1 When determining the application Members having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are -

- a) Grant the application as applied for with or without the amendments agreed with Greater Manchester Police;
- b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
- c) To reject the application;

7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.

7.3 Findings on any issues of fact should be on the balance of probability.

7.4 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.

7.5 The decision should be based on the individual merits of the application.

8 Consultation

8.1 Consultation in accordance with the Act has taken place with all Responsible Bodies and notice has been given to allow for any representations from other persons.

9 Legal Services Comments

9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant for the premises licence or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (A Evans)

10 Environmental and Health & Safety Implications

10.1 Contained within the body of the report.

11 Equality, community cohesion and crime implications

11.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

12 Equality Impact Assessment Completed?

12.1 No

13 Background Papers

13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref: Records held in Directorate
Officer Name: Nicola Lord
Contact No: 0161 770 3472

14 Appendices

Appendix 1 – Premises Licence Application

Appendix 2 – Location Maps (1-3)

Appendix 3 – Representations received from the following:

1. Environmental Health
2. Dr/Mrs Callow
3. Howard Stott
4. Mr/Mrs Thorpe
5. Resident of 72 Stoneswood Road, Delph