

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**Date: Wednesday 21 December 10:00am**

**1. LICENSING ACT 2003**

**Submitted by:                      Head of Regulatory Services**

**Portfolio:                              Finance, Town Centres & Growth**

**Ward(s) affected:                      Talke and Butt Lane**

**Purpose of the Report**

To inform the committee of an application to vary a premises licence for the Corner Pin at 67 Chapel Street, Talke. The request is for an additional trading hour to be added to the current premises licence and to amend the wording on Annex 3, condition 2 of the current licence.

Two relevant representations have been received from two local residents on the basis that to grant the application would undermine the licensing objectives relating to, the prevention of public nuisance.

**Recommendations**

In accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy, the Sub-Committee must consider the Premises Licence and have regard to the four licensing objectives when making its decision. The licensing objectives are;

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

**1. Background**

1.1 The licence information relating to this application is as follows:

Premises:	Corner Pin
Location:	67 Chapel Street, Talke, ST7 1NN
Licence Number:	003085
Applicant:	Hawthorne Leisure Limited
Designated Premises Supervisor:	Claire Louise Clewlow

1.2 An application to vary a premises licence under the Licensing Act 2003, has been received in relation to the Corner Pin at 67 Chapel Street, Talke. The application requested that the current premises opening hour of Monday to Sunday between the hour of 10:00 until 23:30 be extend by an additional hour taking the close time to 00:30. It also requested to increase the sale of alcohol by an additional hour on Monday to Sunday until 00:00 (midnight). The introduction of live music until 00:00, on Monday to Sunday and to replace annex 3, condition 2 with the wording; 'Noise from the premises shall be kept to a level where it is unlikely to be considered as public nuisance from the boundary of the nearest noise sensitive premises'. A copy of the original application is attached as **Appendix A**.

- 1.3 During the consultation period four objections were received from local residents. Following discussions with the applicant and their solicitor, amendments to the application were proposed. These were to remove the request for live and recorded music entirely and to add four additional conditions;
1. A dispersal policy will be drawn up and implemented to ensure that customers leave the area quickly and quietly
  2. An external area management plan will be drawn up and implemented to ensure that customers drinking and smoking outside do not cause undue disturbance to residents
  3. A phone number will be available to residents to allow contact with the duty manager/DPS (Designated Premises Supervisor) to allow them to contact the Premises should the need arise
  4. A complaints log will be maintained and shall record any complaints by local residents in relation to public nuisance issues reported to the DPS or staff at the premises. The log will be made available to officers from the councils environmental protection team on request
- A copy of the proposal is attached as **Appendix B**.
- 1.4 The above proposed amendments to the application were considered satisfactory for two of the local residents and they withdrew their objections before the end of the consultation period. The applicant has agreed to retain the proposed amendment to help develop good working relationship with local residents. The remaining two residents wish to pursue their objection on the grounds of the prevention of public nuisance. A copy both objections are attached as **Appendix C** and **D**.
- 1.5 Currently, the premises at Chapel Street are licensed to open Monday to Sunday, from 10:00 until 23:30, with an additional hour on Christmas Eve and Boxing Day and with an additional two hours on New Year's Eve. The licence also includes indoor sporting events, recorded music and the supply of alcohol on Monday to Sunday from 10:00 until 23:00, with an additional hour on Christmas Eve and Boxing Day and an additional two hours on New Year's Eve. A copy of the current premises licence is attached as **Appendix E**.
- 1.6 The current premises licence was transferred to Hawthorne Leisure Limited in January 2020, from Marston's PLC. Looking at the licence records there have been no complaints or issued recorded against the premises whilst under the current owner and designated premises supervisor. An Environmental Health Officer also confirmed that the complaints database does not indicate any complaints received relating to the Corner Pin. However, the premises record does show one noise complaint recorded prior to the new tenant in 2017, when the premises was known as The Crown. An officer of the council did visit the premises on 17 August 2017, to assess compliance. No breaches of the licence were recorded at the time of the visit. However, the Licensing Officer did take the opportunity to remind the previous DPS of the current licence closing times and their responsibilities.
- 1.7 A site plan is attached as **Appendix F** to show the location of the premises.

## 2. Issues

- 2.1. The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;
- (i.) The Prevention of Crime and Disorder
  - (ii.) Public Safety
  - (iii.) The Prevention of Public Nuisance
  - (iv.) The Protection of Children from Harm
- 2.2. The Licensing Act 2003 requires the Council to publish a "Statement of Licensing Policy" that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Copies of the [Council's Statement of](#)

[Licensing Policy](#) and the [Government's Statutory Guidance](#) are available online and linked here.

- 2.3. In making their decision on the application the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

### 3. **Options Considered**

- 3.1 The relevant options considered in relation to this application are:

- a) Grant the application
- b) Modify proposed and/or agree condition (including timings) and grant the application
- c) Refuse the application

### 4. **Proposal**

- 4.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the steps outlined at section 3.1 of the report for the promotion of the four licensing objectives.
- 4.2 For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.
- 4.3 The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives.

### 5. **Reasons for Preferred Solution**

- 5.1 To ensure that the Council promote the licensing objectives in accordance with their statutory duty.

### 6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 *The four corporate priorities are:-*

- One Council delivering for local people
- A successful and sustainable growing borough
- Healthy, active and safe communities
- Town Centres for all

### 7. **Legal and Statutory Implications**

- 7.1 To power to vary a premises licence falls under Section 34 of the Licensing Act 2003.
- 7.2 Hearings will be carried out in a fair, proportionate and consistent manner in line with:
- Article 6(1) guarantees an applicant a fair hearing  
Article 14 guarantees no discrimination

### 8. **Equality Impact Assessment**

- 8.1 Not Applicable

9. **Financial and Resource Implications**

9.1 All parties have the right to appeal the decision at the Magistrates Court and if successful could apply for the award of costs.

10. **Major Risks**

10.1 As above

11. **Sustainability and Climate Change Implications**

11.1 Not Applicable

12. **Key Decision Information**

12.1 Not Applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy

14. **List of Appendices**

14.1 **Appendix A** – Copy of the original variation application form  
**Appendix B** – Copy of the proposed/agreed amendments to the variation application  
**Appendix C** – Objection one  
**Appendix D** – Objection two  
**Appendix E** – Copy of the current premises licence  
**Appendix F** – Map showing premises location

15. **Background Papers**

15.1 Licensing Policy 2015-2020

15.2 Licensing Act 2003 Statutory Guidance