

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing Sub-Committee
Tuesday 21st March 2023

Report Title: New Premise Licence Application that has received a relevant representation.

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform the sub-committee of a new premises licence application for the Sneyd Arms, 1 The Village, Keele, ST5 5AD which has received a relevant representation from a member of the public on the grounds of Public Safety and Prevention of Public Nuisance.

Recommendation

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, as below, when making its decision:

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

Reasons

An application was received on 30th January 2023 from the Ms Kirsty Fradley for a new premises licence at the Sneyd Arms, 1 The Village, Keele, ST5 5AD. As part of the application process, responsible authorities and members of the public can make representations. A relevant representation was received from a member of the public, in regards to the licensing objectives of public safety and prevention of public nuisance.

1. **Background**

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

Premises: Sneyd Arms

Location: 1 The Village, Keele, Staffordshire, ST5 5AD

Application Reference Number: 21508

Proposed Premises Licence Holder: Ms Kirsty Fradley

Proposed Designated Premises Supervisor: Ms Kirsty Fradley

1.2 Ms Kirsty Fradley has made an application for a new premises licence for the Sneyd Arms, 1 The Village, Keele, ST5 5AD. The application is attached as **Appendix A** and the plan for the proposed new licence area is attached as **Appendix B**.

1.3 There is currently a premises licence on this premises (3169), attached as **Appendix C**, which has been in place with the Council since the Licensing Act 2003 came into force and was historically licensed under the Magistrates Courts. The reason that a new premises licence application has been made is that the barn area to the side of the premises area, known as the Knights Templar, has recently been converted for use as a bar and events area. Whilst shown on the historic plan, it was not clearly included in the licensable area and now has a separate bar area of its own.

1.4 As part of the licensing application process there is a 28 day consultation period in which responsible authorities and members of the public can make representations in relation to the application. Staffordshire Police Licensing team engaged with the applicant and agreed several conditions which they required to form part of the licence. These are attached as **Appendix D**. Newcastle-under-Lyme Borough Council required a Noise Management to be completed in relation to the premises, attached as **Appendix E**. There was also a representation from a local resident, Mr Tim Millington, in regards to the licensing objectives of public safety and prevention of public nuisance, attached as **Appendix F**. Mr Millington was particularly concerned relating to the noise from the new part of the venue due to its proximity to his home.

1.5 The requirement for a new premises came to light following a noise complaint on the 15th December 2022 in relation to an event at the Knights Templar Bar on the weekend previous. The premises owners were under the impression that the newly converted area was covered under the current licence, Appendix C, however upon discussion with the licensing administration team it was found that the area was not covered as a unit to sell alcohol under the original plan. It was agreed with Ms Fradley and Mr George Domleo from Flint Bishop LLP that they would need to stop any licensable activity within the Knights Templar part of the premises until a new premises licence could be applied for and granted unless those activities were carried out under a Temporary Event Notice (TEN). There have been seven TENs covering 8 days from the 1st February 2023 to 19th March 2023.

1.6 In relation to the history of the licence premises, there is only one other complaint in relation to noise which dates from the 25th October 2012. The case was closed following a discussion with the Designated Premises Supervisor at that time.

1.7 A copy of a location plan of the premises and its local surrounds is attached as **Appendix G**. There are several households adjacent to the premises and it is located in the Keele Ward.

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 will be available at the Licensing Sub-Committee hearing.

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. **Proposal**

3.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the following steps for the promotion of the four licensing objectives. The steps available to the Sub-Committee are listed in Section 5.1 of this report.

3.2 For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

3.3 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.

4. **Reasons for Preferred Solution**

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

5. **Options Considered**

5.1 The relevant options considered in relation to this application are:

- (a) to modify the conditions (including timings) of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months; or
- (e) to revoke the licence

6. **Legal and Statutory Implications**

6.1 To power to review a premises licence falls under Section 51 of the Licensing Act 2003.

6.2 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

7. **Equality Impact Assessment**

7.1 Not Applicable

8. **Financial and Resource Implications**

8.1 Premises Licence Holder has the right to appeal the decision at the Magistrates Court and if successful could apply for the award of costs.

9. **Major Risks**

9.1 As above

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 Not Applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy.

13. **List of Appendices**

- 13.1 Appendix A – New premises licence application
Appendix B – Plan associated with new premises licence application
Appendix C – Current Premises licence
Appendix D – Conditions agreed with Staffordshire Police
Appendix E – Noise Management Plan
Appendix F – Representation from Mr Millington
Appendix G – Location plan of the premises

14. **Background Papers**

14.1 Licensing Policy 2015-2020

14.2 Licensing Act 2003 Statutory Guidance