

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**Licensing Sub-Committee**

**Date 12 July 2024**

**Report Title:** Variation Premises Licence Application that has received a relevant representation.

**Submitted by:** Service Director – Regulatory Services

**Portfolios:** Finance, Town Centres and Growth

**Ward(s) affected:** Wolstanton

**Purpose of the Report**

To inform the sub-committee of an application to vary the premises licence received from a premises licence holder which has received three relevant representations on the grounds of Prevention of Public Nuisance.

**Recommendation**

That Sub-Committee:

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**

A variation application was received and accepted on 26 April 2024 from Hop Back Brewery PLC in relation to The Archer of 21 Church Lane, Wolstanton, ST5 0EH asking to vary the licensable hours of the licence and amend the conditions. Within the consultation period three relevant representations were received from members of the public in relation to the licensing objective of Prevention of Public Nuisance.

1. **Background**

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

Premises:	The Archer
Location:	21 Church Lane, Wolstanton, ST5 0EH
Licence Number:	3341
Premises Licence Holder:	Hop Back Brewery PLC
Designated Premises Supervisor:	Miss Gemma Ridgway

1.2 This matter was originally due to be heard on the 14 June 2024 however due to a lack of availability of a legal advisor for the Council the matter was deferred until 12 July 2024.

- 1.3 This premises licence was converted on 24 November 2005 from the previous licensing regime retaining its opening and licensable hours. On the 24 July 2006, Hop Back Brewery PLC took over as premises licence holders and on 7 December 2022, Gemma Ridgway took on the position at designated premises supervisor. There have been no complaints relating to noise recorded against the licence. The current premises licence and plan is attached as **Appendix A**.
- 1.4 Up until 2023, there are no records for Temporary Event Notices (TEN) and then in 2023 the premises licence holder applied for two music nights on the 27 August until midnight and on the 11 November until 00:30am on the 12 November 2023. Then, a TEN was given for New Year's Eve 2023 until 01:30am on New Year's Day and on the 31 March 2024 for Easter Sunday a further TEN was given finishing at 01:30am.
- 1.5 An application to vary the licence was made on the 26 April 2024 following discussion with the licensing department as the premises wished to have the opportunity to hold events without the need to give temporary event notices. The application, attached as **Appendix B**, details a request to extend the hours for recorded music, alcohol and opening, and to add the licensable activities live music and late night refreshment. It also requests to removal of the embedded conditions and proposes new conditions relating to CCTV, measures to reduce public nuisance and the Challenge 25 scheme. The proposed conditions are attached as **Appendix C**.
- 1.6 During the consultation period four representations were received from members of the public in relation to the licensing objective of prevention of public nuisance and in particular in relation to concerns over an increase in noise problems from the premises. Following confirmation that the contact details of the person making the representation would be shared with the applicant one representation was withdrawn. The remaining three representations are attached as **Appendices D to F**.
- 1.7 There were no representations from the responsible authorities consulted as part of the application process.
- 1.8 A copy of the location plan of the premises and its local surrounds is attached as **Appendix G**. There are several households around the premises and it is located next to the entrance to a primary school and local community centre. It is located in the Wolstanton 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. **Recommendation**

- 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 options 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**

- 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 grant the application as applied for;
  - (b) to modify the proposed conditions (including extension of timings proposed);
  - (c) to exclude a proposed licensable activity from the scope of the licence;
  - (d) to refuse the grant of this variation

### 6. **Legal and Statutory Implications**

- 6.1 The power to determine an application to vary a premises licence which falls under Section 35 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 & Mitigation**

- 9.1 As above

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

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 – Current Premises Licence and Plan

Appendix B – Variation Application

Appendix C – Proposed Conditions

Appendix D – Representation from Amy Shirley

Appendix E – Representation from Susan Bradford, Carol Regan and Bernard Regan

Appendix F – Representation from Louise Harvey

Appendix G – Location Plan

14. **Background Papers**

14.1 Licensing Policy 2020-2025

14.2 Licensing Act 2003 Statutory Guidance