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SPEAKERS PANEL (LIQUOR LICENSING)

Day: Friday
Date: 16 April 2021
Time: 9.30 am
Place: Zoom Meeting

Item No.	AGENDA	Page No
1	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2	DECLARATIONS OF INTEREST To receive any declarations of interest.	
3	MINUTES To approve as a correct record the Minutes of the proceedings of the Speakers' Panel (Liquor Licensing) held on 6 April 2021 (attached).	1 - 6
4	APPLICATION FOR A FULL VARIATION OF PREMISES LICENCE – JOLLY CARTER, 231 MANCHESTER ROAD, DROYLSDEN, M43 6HE (PL0383) To consider the attached report of the Assistant Director, Operations and Neighbourhoods.	7 - 64

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or carolyn.eaton@tameside.gov.uk to whom any apologies for absence should be notified.

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Agenda Item 3

SPEAKERS PANEL (LIQUOR LICENSING)

6 April 2021

Commenced: 10.00am

Terminated: 12.50pm

Present: Councillors Sweeton (Chair), Bowden and Quinn

In Attendance:	Mike Robinson	Regulatory Services Manager, TMBC
	Rebecca Birch	Regulatory Compliance Officer, TMBC
	David Joy	Legal Representative, TMBC
	Ashleigh Melia	Legal Services Officer, TMBC (observer)
	PC Thorley	Greater Manchester Police
	David Fisher	Applicant
	Local Residents	Submitted representations

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. MINUTES

The Minutes of the previous meetings held on 25 February 2021 were agreed as a correct record.

22. APPLICATION FOR A PREMISES LICENCE – THE BILLY GOAT PUBLIC HOUSE, 71-73 STAMFORD STREET, MOSSLEY, OL5 0JS

Consideration was given to an application for a premises licence for The Billy Goat Public House, 71-73 Stamford Street, Mossley, OL5 0JS.

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application under the Licensing Act 2003.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received from:

- The Licensing Authority
- Greater Manchester Police
- Local residents (6)

It was explained that The Billy Goat Public House, 71-73 Stamford Street, Mossley, OL5 0JS was a former licensed premises. A site plan, including an up to date photograph of the premises, was attached at Appendix 1 to the report.

On 19 February 2021, the Licensing Office received an application from Mr David Warren Fisher for a premises licence at Billy Goat, 71-73 Stamford Street, Mossley OL5 0JS. The Applicant sought authorisation for licensable activities, namely the sale of alcohol for consumption both on and off the premises Monday to Sunday 12:00 noon – 12:00 midnight. A copy of the application was attached to the report to Panel.

The previous premises licence for the Billy Goat was revoked by the Speaker's Panel (Liquor) Licensing on 23 July 2020. The licence was revoked following the premises trading in clear breach of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 coming into force on 21 March 2020 at 2:00pm which required pubs, bars, restaurants and other specified premises to close. On this date, the premises continued to trade, even after being told by police officers to ensure all customers leave and to close the premises. The decision letter following the hearing was appended to the report.

The former premises licence holder, Victor Bowers, subsequently appealed the decision of the Speaker's Panel (Liquor) Licensing however, the appeal was formerly withdrawn on 14 December 2020. Therefore, the licence was legally revoked from that date.

Upon receipt of the premises licence application, the Licensing Authority made enquiries with the Land Registry to determine the registered freehold owner of the premises. The result of this search showed that the owner was Christine Johnson. A copy of the Land Search was appended to the report.

The Panel was informed that the Licensing Manager, Mike Robinson, and Police Licensing Officer, Martin Thorley, visited the freehold owner of the premises, Christine Johnson, on 24 February 2021 who confirmed that Victor Bowers was the current leaseholder of the Billy Goat. Ms Johnson and other members of the family also confirmed that she had received no approach from Mr Fisher to transfer the lease into his name.

The Licensing Authority had received information that indicated that there was a family connection between the Applicant and the former licence holder and that the Applicant had also been involved in the running of the business prior to the licence revocation in 2020. In addition to the concerns regarding the connection between the applicant and previous licence holder, the Licensing Authority was also not satisfied that the current operating schedule supplied with the application would satisfactorily promote the licensing objectives if the licence was to be granted.

Mr Robinson referred the Panel to the Council's Statement of Licensing Policy and the Statutory Guidance.

Mr Fisher, the Applicant, then addressed the Panel and made the following submissions in support of the application:

- The applicant had worked in the hospitality trade for 17 years and had been a personal licence holder for 15 years. He had worked as a Deputy Manager at licensed premises.
- Mr Victor Bowers had no connection to him.
- Mr Fisher informed the Panel that he understood that Mr Bowers lease was to be ended or had been ended and Mr Bowers would be required to leave the premises in the near future.
- Mr Fisher proposed to relaunch the premises as a family friendly establishment.
- No real issues/concerns had been raised by the Police (outside of the Covid-19 issues in March 2020).
- Mr Fisher noted the concerns raised by local residents. He had no direct knowledge of these issues but understood that the premises must be managed effectively so as to avoid nuisance etc.

Ms Rebecca Birch, Regulatory Compliance Officer, Tameside MBC, then presented on behalf of the Licensing Authority. She read out the representation as submitted in the report to Panel.

PC Thorley presented a representation (appended to the report to the Panel) on behalf of Greater Manchester Police.

The following local residents then presented their representations to the Panel:

- Resident 1 (Representation at Appendix 7 to the report)
- Resident 2 (Representation at Appendix 8 to the report)

- Resident 5 (Representation at Appendix 11 to the report)
- Resident 6 (Representation at Appendix 12 to the report)

The residents amplified their representations and highlighted the following issues:

- It was about 10 years ago that it was run as a quiet local pub. There were no sufficiently detailed plans put forward by the Applicant to promote the licensing objectives and to avoid the issues that had arisen over recent years.
- Residents had a really difficult relationship with the pub over recent years. During the recent closures residents had been able to sleep better and now realised how much impact the issues with the premises had on their sleep over recent years.
- Doubts whether the premises were suitable for a family pub. There was no on street parking and the car park was not large. Residents doubted that the premises could accommodate large numbers without there being a negative impact on parking.
- With regard to outdoor music, local residents' gardens were adjacent to/nearby the premises. The potential for nuisance from the premises was high.
- The problems with the pub were greater than the Covid related issues. There were long standing issues with the premises with noise etc. over a period of time more associated with the type of premises and the clientele it attracted.
- Residents feared that there would be no change in how the premises were run. There was a lack of detail to show how the changes would be brought about.
- One resident had lived next to a pub previously with no issues as it was well managed. The Billy Goat had recently been a poorly run pub. On numerous occasions there had been illegal lock-ins during the lockdown.
- Residents had been disturbed by drunken customers late at night.
- The premises were poorly maintained and not equipped to play loud music without disturbing local residents.
- Residents would not welcome the pub re-opening, there were plenty of decent pubs in Mossley. There would have to be plenty of changes/investment to make this into the proposed family friendly pub.

Mr Robinson then summarised the following representations received from interested parties (i.e. those not in attendance at the hearing):

- Resident 3 (Representation at Appendix 9 to the report)
- Resident 4 (Representation at Appendix 10 to the report)

All parties were provided with the opportunity to ask questions in relation to the representations made.

All parties were invited to provide a brief statement in summary.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

In determining this matter, the Panel had due regard to:-

- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act

The Panel determined the application pursuant to s18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

In considering the appropriate steps the Panel noted the following key points:

- The premises were located close to residential premises. Local residents reported that there had been problems for some years with the premises, including general anti-social behaviour, loud music and noise (often late at night). The Panel were satisfied that there had been a serious impact on local residents arising from the poor management of the premises over a number of years.
- In March 2020 there were serious breaches of the Covid-19 restrictions.
- As a result of the Covid-19 breaches, the premises licence granted to Mr Victor Bowers was revoked following a Licensing Hearing in July 2020. An appeal against this decision was lodged but subsequently withdrawn in December 2020.
- The then licence holder remained the leaseholder of the premises (business and residential).
- There was no satisfactory evidence before the Panel that the Applicant would have a right to occupy the premises for business purposes going forward. The Panel considered that this was essential in the particular circumstances of this matter.
- The available evidence indicated that the Applicant had some connection to the previous licence holder including having previously worked at the premises.
- The Applicant's plans to overhaul the premises going forward and to avoid a repeat of the previous problems lack detail and clarity and appeared contradictory in part. There was a lack of specific and convincing detail regarding how the re-focus of the premises would be achieved and the licensing objectives would be met.
- The Applicant informed the Panel of his licensing history. However, no CV or similar record was provided. No business plan was provided. No written evidence (e.g. an email from the owner) confirming the lease proposal was provided.
- Accordingly, the Panel felt that the Application was premature.
- Having regard to the above, the Panel were not satisfied that the Applicant's proposals were sufficient to promote the licensing objectives specifically the prevention of crime and disorder and prevention of public nuisance.

The Panel considered all available options.

As stated, the Panel had real concerns in respect of the adverse impact that the premises have had on the local community and the breach of Covid-19 lockdown restrictions.

The Panel had considered whether the licence could be granted by the imposition of appropriate conditions and/or limits on proposed licensable activities.

However, on balance, having carefully considered all of the available information, the Panel had concluded that conditions and/or other restrictions would not be sufficient to promote the licensing objectives in this case due to the issues identified above.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to refuse the application for a premises licence.

It was noted that, (not part of the formal decision), whilst the Panel refused the application this did not mean that a future application would be refused. If a future application was to be made it would need to be more detailed and be very clear about what was being proposed and how the premises would be managed to promote the licensing objectives. Documentary evidence in support would assist with consideration of a future application to show how the premises would move forward from its recent history. An applicant should fully engage with licensing and the police and local residents in the application process in an attempt to find common ground.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the application for a premises licence be refused.

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Agenda Item 4

Report To:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	16 April 2021
Reporting Officer:	Emma Varnam – Assistant Director Operations & Neighbourhoods
Subject:	APPLICATION FOR A FULL VARIATION OF PREMISES LICENCE – JOLLY CARTER, 231 MANCHESTER ROAD, DROYLSDEN, M43 6HE (PL0383)
Report Summary:	Members are requested to determine the application
Recommendations:	Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are: <ol style="list-style-type: none">To modify the conditions of the licenceTo reject the whole or part of the application
Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
Legal Implications: (Authorised by the Borough Solicitor)	If the Panel rejects the application that decision can be challenged by the Applicant. If the Panel grants the licence the Applicant can appeal against any of the conditions imposed on the licence. Any person who made relevant representations can appeal against the decision to grant the licence or against any of the conditions imposed on the licence or on the grounds that the Panel should have refused to specify a person in the licence as the premises supervisor. Any challenge would be by way of an appeal to the Magistrate's Court which may dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the licensing authority, or remit the case to the licensing authority to dispose of it in accordance with the direction of the court and may make such order as to costs as it thinks fit. If an appeal were successful the Magistrates would be unlikely to order costs against the Local Authority if the authority had acted honestly, reasonably, properly and on grounds that reasonably appeared to be sound, in exercise of its public duty.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
Access to Information:	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)

Background Information: The background papers relating to this report can be inspected by contacting Mike Robinson

 Telephone: 0161 342 4122

 e-mail: mike.robinson@tameside.gov.uk

1. INTRODUCTION

- 1.1 Under section 34 of the Licensing Act 2003 a premises licence holder may apply to the Licensing Authority for a variation of a premises licence.
- 1.2 Where relevant representations have been made in response to the application, the Licensing Authority must hold a hearing to consider them, unless the Applicant, each person who has made representations and the Licensing Authority agree that a hearing is unnecessary. After having regard to the representations, the Panel may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:
 - a) To modify the conditions of the licence
 - b) To reject the whole or part of the application
- 1.3 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place. However, conditions should not be imposed on a licence which are unrelated to the variation sought

2. REPORT

- 2.1 The Jolly Carter, 231, Manchester Road, Droylsden, M43 6HE is a licensed premises. A site plan, including an up to date photograph of the premises, is attached at **Appendix 1**.
- 2.2 A copy of the current licence for the Jolly Carter, 231 Manchester Road, Droylsden is attached at **Appendix 2**.
- 2.3 On 12 March 2021, the Licensing Office received an application from Ms Deborah Anne Evitt (Premises Licence Holder) for a full variation of the premises licence at the Jolly Carter, 231 Manchester Road, Droylsden, M43 6HE. The Applicant seeks authorisation to include the side grassed area within their licensable area and to be used as a beer garden until 10:30pm along with the extension of hours from 9:00pm to 10:30pm for the current beer garden. There is a condition attached to the current licence that restricts the use of the beer garden beyond 9pm. This application and site plan is attached at **Appendix 3**.
- 2.4 On 29 July 2020 the Planning Office received an application from the premises licence holder to change the use of the garden area to public use with the proposed use as a drinking establishment and hours of opening of Monday to Sunday 10:00am to 02:00am. This application was refused on 22 September 2020 due to the close proximity of the land to residential properties and the possibility of excessive noise and potential anti-social behaviour. The decision letter is attached at **Appendix 4**.
- 2.5 On 28 November 2020 the Planning Office received an application to change the use of the grassed area to public house use with shelter. The proposed times for the hours of opening are Monday to Sunday 10:00am to 22:30pm. This application was granted on 1 February 2021, the decision letter is attached at **Appendix 5**.
- 2.6 Following the change of use applications submitted to the Planning Office, there were no discussions between the Planning Office and Licensing Department in relation these applications.
- 2.7 Within the last three years, we received one noise complaint in 2019 regarding the Jolly Carter, Manchester Road, Droylsden. The diary sheet was not returned therefore this matter was not investigated any further

3 REPRESENTATIONS & EVIDENCE SUBMITTED

3.1 Councillors

A representation has been received from the Elected Members for Droylsden West Ward; Councillor Gerald Cooney, Councillor Barrie Holland and Councillor Ann Holland. This representation is attached at **Appendix 6**.

A representation has been received from the Elected Members for Droylsden East Ward; Councillor Susan Quinn, Councillor Laura Boyle and Councillor David Mills. This representation is attached at **Appendix 7**.

4 HOME OFFICE GUIDANCE

- 4.1 In determining this application, the Panel must have regard to the statutory guidance issued pursuant to s182 of the Licensing Act 2003. The statutory guidance includes the following:
- 4.2 The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9. Members may wish to consider the following extracts from the statutory guidance when determining this application:
 - 4.3 Paragraph 9.42 "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."
 - 4.4 Paragraph 9.43 "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."
 - 4.5 Paragraph 9.44 "Determination of whether an action or step is appropriate for the promotion of the achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."
- 4.6 Paragraph 9.45 "Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs."
- 4.7 Paragraph 10.8 "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result

- of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."
- 4.8 Paragraph 10.9 "It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."
- 4.9 Paragraph 10.13 "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."

- 4.10 Paragraph 10.14 "Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."

5 STATEMENT OF LICENSING POLICY

- 5.1 In determining this application the Panel must also have regard to the Council's Statement of Licensing Policy which includes the following:

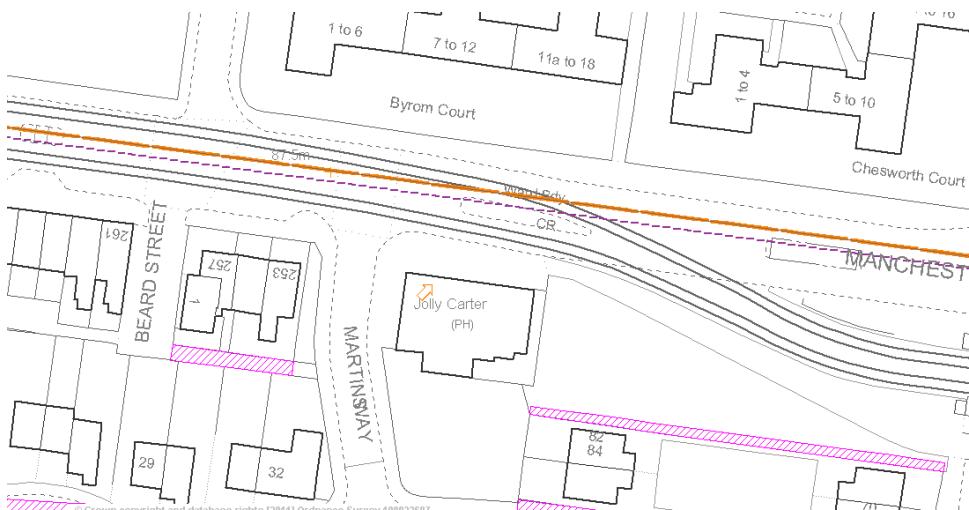
Planning etc.

- 5.2 1.17 Planning permission, building control approval and licensing regimes are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters. The council's Speaker's panel (Liquor Licensing) is not bound by decisions made by the Speaker's panel (Planning), and vice versa.
- 5.3 1.18 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant or licence holder must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The council's planning function is, however, a responsible authority under the Licensing Act and by working in partnership with officers from the Licensing Department, the council will aim to ensure that the planning and licensing regimes avoid any possible conflict between the two regulatory regimes.

6 CONCLUSION AND OPTIONS FOR THE PANEL

- 6.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;
- To modify the conditions of the licence
 - To reject the whole or part of the application

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Premises Licence

Licensing Act 2003

PL0383

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES Jolly Carter Inn **TELEPHONE:** 0161 371 9634

ADDRESS Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester, Tameside, M43 6HE

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

E	- Performance Of Live Music;
F	- Playing Of Recorded Music;
J	- Sale by retail of alcohol;
N	- Provision of Regulated Entertainment;

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
E - Performance Of Live Music (Indoors)	Monday - Sunday	10:00 - 02:00
F - Playing Of Recorded Music (Indoors)	Monday - Sunday	10:00 - 02:00
J - Sale by retail of alcohol (Both)	Monday - Sunday	10:00 - 02:00
N - Provision of Regulated Entertainment (Indoors)	Monday - Sunday	10:00 - 02:00

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Sunday	10:00 02:00

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both **ON** and **OFF** the Premises

Premises Licence

Licensing Act 2003

PL0383

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mrs Deborah Anne Evitt
Jolly Carter, 231 Manchester Road, Droylsden, M43 6HE,

Tel: 0161 371 9634
Email:

Registered number of holder, for example company number, charity number (where applicable)

Business Reg No:

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Deborah Anne Evitt
Jolly Carter, 231 Manchester Road, Droylsden, M43 6HE,

Tel: 0161 371 9634

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the premises authorises for the supply of alcohol):

Licence Number: PA0101

Licensing Authority Issued by: Tameside

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

ANNEXES

Annex 1 – Mandatory conditions

On & Off Licence Premises

1. All supplies of alcohol

1. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where:

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

3. Door Supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

or
(a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

(b) Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection 1 requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or

Act.
(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

4. Age Verification Policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. Irresponsible Drinks Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. Free Potable Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. Alcoholic Drinks Measures

1. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. Permitted Price of Alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by the calculation is not a whole number of pennies, the price given by that

calculation shall be taken to be the price rounded up to the nearest penny.

Annex 2 – Conditions consistent with the Operating Schedule

(a) General - all four licensing objectives (b,c,d,e)

Following an assessment of the premises and surrounding area the following is proposed:

(i) 30 minute "drinking up time" will allow appropriate dispersal, use of lavatories etc.

(ii) In order to further promote the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

(b) The prevention of crime and disorder

- (i) CCTV internally and externally,
- (ii) Most customers are local,
- (iii) Good external lighting on all aspects,
- (iv) Member of local Pubwatch,
- (v) All trading areas are visible by staff from behind the bar,
- (vi) Burglar alarm in situ,
- (vii) Management controlled customer behaviour,
- (viii) Regular toilet checks during trading sessions,
- (ix) Drug awareness and drink driving posters on display.

(c) Public safety

- (i) Health & Safety and Health & Hygiene Certificates,
- (ii) Fire alarm and emergency lighting,
- (iii) Fire fighting equipment on site,
- (iv) Illuminated exit signage,
- (v) Disability discrimination assessment and facilities available,
- (vi) Managed customer behaviour and Management Controlled entry at weekends,
- (vii) Smoking policy in place,
- (viii) Extractor fans in place to reduce smoke pollution.

(d) The prevention of public nuisance

- (i) All music levels under management control,
- (ii) No immediately adjoining residents,
- (iii) Managed customer departure,
- (iv) Kitchen extract system in place,
- (v) Signage to respect local residents and leave quietly,
- (vi) All windows close / lockable,
- (vii) Entry points have lobbies to retain noise emissions,
- (viii) Staff organise taxi service for customers when requested,
- (ix) Shatterproof and toughened glassware in use.

(e) The protection of children from harm

- (i) No unaccompanied children,
- (ii) No children after 7pm,
- (iii) Enclosed secure rear beer garden area,
- (iv) Separate seating area away from gaming machines,
- (v) Smoking policy in place.

Non Standard Timings

In relation to activities

E - Live Music, F - Recorded Music, J - Retail Sale Of alcohol and N - Regulated Entertainment.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring / Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Years Eve / Day hours.

CONDITIONS AS PER WRITTEN AGREEMENT WITH RESPONSIBLE AUTHORITY - LICENSING AGREED 1st JULY 2005.

1. Noise generated by regulated entertainment shall be inaudible at the nearest noise sensitive location after 11.00pm.
2. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 11.00pm and 9.30am.
3. The beer garden must not be used by customers after the hours of 9.00pm.

CONDITIONS AGREED AFTER VARIATION APPLICATION RECEIVED ON 02/01/2018

1. CCTV

- a) A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.
 - b) The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.
 - c) The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.
- 2 d) Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.
- e) A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

- f) The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

- g) Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights Act.

2. 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:

- i. Any incident of violence or disorder on or immediately outside the premises
- ii. Any incident involving controlled drugs (supply/possession/influence) on the premises
- iii. Any other crime or criminal activity on the premises
- iv. Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- v. Any refusal to serve alcohol to under 18s or anyone who appears to be under 18
- vi. Any call for police assistance to the premises
- vii. Any ejection from the premises
- viii. Any first aid/other care given to a customer

3. Last Entry to Premise

There shall be no new entries to the premises by members of the public after 00:30hrs

4. Challenge 25

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.

5. Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three 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.

6. 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.

7. Pubwatch

Where such a scheme is in operation, the Designated Premises Supervisor must be an active member of a local Pubwatch scheme or equivalent.

8. 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.

9. Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

Annex 3 – Conditions attached after a hearing by the licensing authority

Premises Licence

Licensing Act 2003

PL0383

ANNEX 4 – AUTHORISED PLANS

As attached

Premises Licence Summary

Licensing Act 2003

PL0383

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES	Jolly Carter Inn	TELEPHONE: 0161 371 9634
ADDRESS	Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester, Tameside, M43 6HE	

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

- E** - Performance Of Live Music;
- F** - Playing Of Recorded Music;
- J** - Sale by retail of alcohol;
- N** - Provision of Regulated Entertainment;

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
E - Performance Of Live Music (Indoors)	Monday - Sunday	10:00 - 02:00
F - Playing Of Recorded Music (Indoors)	Monday - Sunday	10:00 - 02:00
J - Sale by retail of alcohol (Both)	Monday - Sunday	10:00 - 02:00
N - Provision of Regulated Entertainment (Indoors)	Monday - Sunday	10:00 - 02:00

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Sunday	10:00 02:00

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both **ON** and **OFF** the Premises

Premises Licence Summary

Licensing Act 2003

PL0383

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mrs Deborah Anne Evitt
Jolly Carter, 231 Manchester Road, Droylsden, M43 6HE, Tel: 0161 371 9634
Email:

Registered number of holder, for example company number, charity number (where applicable):

Business Reg No:

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Deborah Anne Evitt Tel: 0161 371 9634

State whether access to the premises by children is restricted or prohibited:

Access to the premises by children is prohibited

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

A handwritten signature in black ink, appearing to read "S. Smith".

Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Deborah Anne Evitt
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0383

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 231 Manchester Road, Droylsden,

Post town	Manchester	Postcode	M43 6HE
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Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 15K

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED]
Post town	Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The new acquired land (grassed area) to the side of the public house, which has had planning permission granted to be opened until 10.30 p.m as well as the old beer garden to the rear to be changed from 9.00pm to 10.30p.m.

In effect both beer gardens will be available until 10.30p.m.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for performing plays (please read guidance note 6)	
Sat				
Sun			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)	

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for the exhibition of films (please read guidance note 6)	
Sat				
Sun			<u>Non standard timings.</u> Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)	

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Sat				
Sun			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)	

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur			State any seasonal variations for the performance of live music (please read guidance note 6)	
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 8)			Will the <u>playing</u> of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur			State any seasonal variations for the <u>playing</u> of recorded music (please read guidance note 6)	
Fri			<u>Non standard timings.</u> Where you intend to use the premises for the <u>playing</u> of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for the performance of dance (please read guidance note 6)	
Sat				
Sun			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Mon			Indoors	<input type="checkbox"/>
Tue			Outdoors	<input type="checkbox"/>
Wed			Both	<input type="checkbox"/>
Thur			<u>Please give further details here</u> (please read guidance note 5)	
Fri				
Sat			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Sun			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption — please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon	10am	10.30 pm	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	10am	10.30 pm			
Wed	10am	10.30 pm			
Thur	10am	10.30 pm	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10am	10.30 pm			
Sat	10am	10.30 pm			
Sun	10am	10.30 pm			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

Not Applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10am	10.30 pm	
Tue	10am	10.30 pm	
Wed	10am	10.30 pm	
Thur	10am	10.30 pm	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	10am	10.30 pm	
Sat	10am	10.30 pm	
Sun	10am	10.30 pm	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Extend the 9p.m Beer Garden closing time to the newly proposed 10.30p.m on both beer gardens.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

I will ensure I continue to promote the four licensing objectives as I currently do today including if the additional hours are granted.

b) The prevention of crime and disorder

I will continue to monitor the cctv as part of my crime prevention procedures and offer door security.

c) Public safety

I will continue to maintain a clean and safe environment in the interest of the public and the business.

d) The prevention of public nuisance

I will continue to prevent any public nuisance or noise and have signs up within the establishment to ensure the customers are aware.

e) The protection of children from harm

Again I will continue to provide a safe family atmosphere for all the community to enjoy.

Checklist:

- Please tick to indicate agreement**
- I have made or enclosed payment of the fee; or
 - I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
 - I have sent copies of this application and the plan to responsible authorities and others where applicable.
 - I understand that I must now advertise my application.
 - I have enclosed the premises licence or relevant part of it or explanation.
 - I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	D. K
Date	11/3/2021
Capacity	OWNER / LICENSEE

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town	
Telephone number (if any)	
Post code	

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

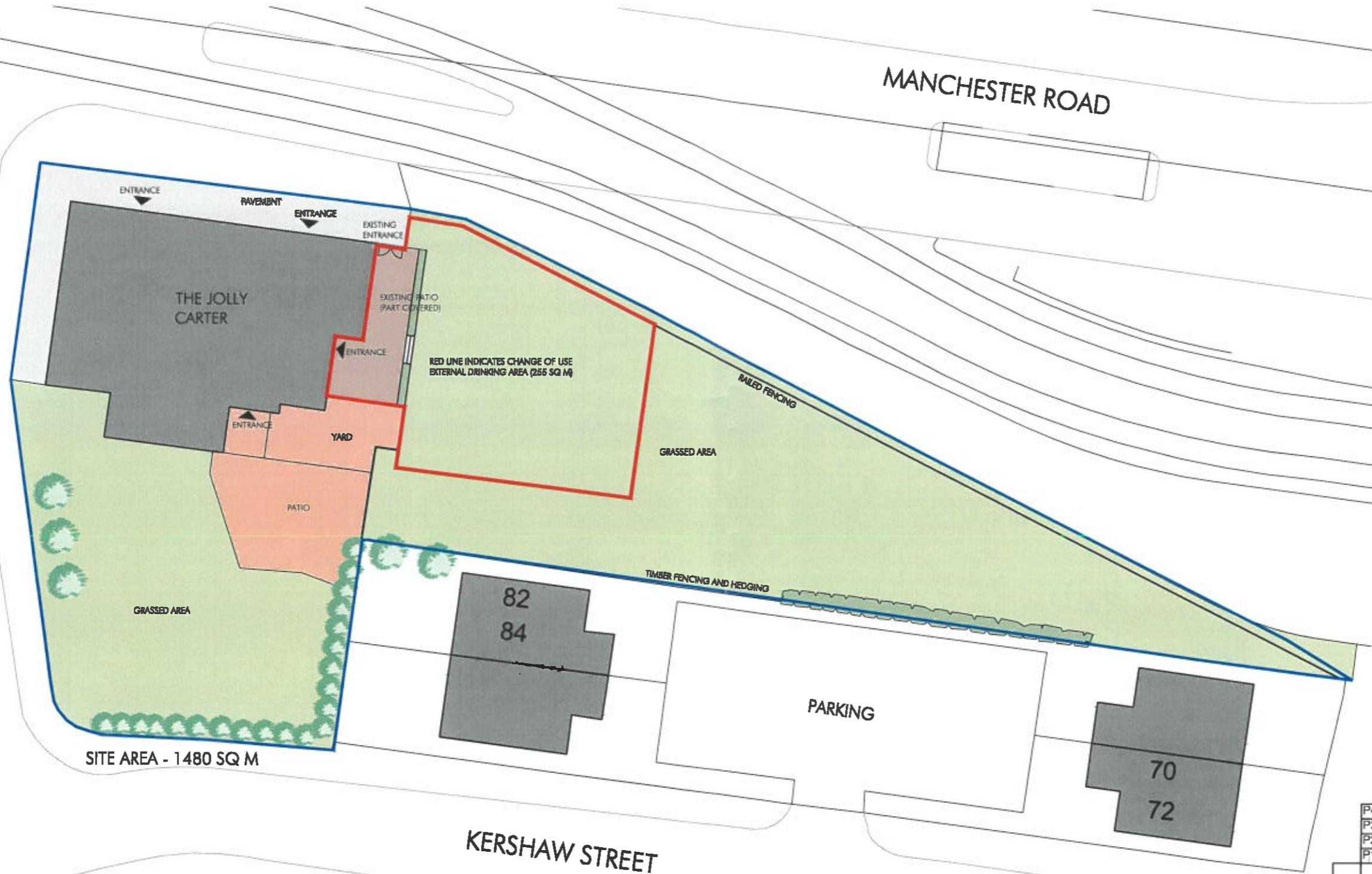
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



P4	Red and Blue Line amended	18.11.20
P3	Red and Blue Line amended	18.11.20
P2	Revised	10.11.20
P1	Drawn	08.11.20

PLG Design Ltd	DESIGN PLANNING PROJECT MANAGEMENT	
[REDACTED]		
Client	[REDACTED]	
Project	[REDACTED]	
Title Existing Site Plan		
Scale 1:200 @ A2		
Job Number	Drawing Number	Issue
2076	PL01	P4

EXISTING SITE PLAN
SCALE 1:200 @ A2

0 2m 4m 6m 8m 10m 20m
SCALE 1:200 IN METRES



Planning Department, Tameside MBC, PO Box 304, Ashton Under Lyne, Tameside, OL6 0GA
Telephone 0161 342 4460

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and address of applicant/agent:
Mr Tim Evitt


Date of Application: 29th July 2020
 Date of Decision: 22nd September 2020
 Application Number: 20/00692/FUL

Particulars and location of development:

Change of use of garden area to public use (10.00am - 10.30pm).

Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester, Tameside.

The Tameside Metropolitan Borough Council hereby give notice that permission has been refused for the carrying out of the development referred to above for the following reason:

1. The proposed use of the land by customers of the public house, because of the close proximity of the land to residential properties, would result in excessive noise and potential anti-social behaviour and therefore have an adverse significant impact on the health and welfare of surrounding residents contrary to policies 1.12, S7 and MW11 of the Tameside Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

NOTES FOR APPLICANT

This decision relates to the Location Plan, received on 29.07.2020, and the Proposed Block Plan, received on 30.07.2020.

REASON FOR REFUSING PLANNING PERMISSION

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.



Jayne Traverse
Director of Growth

Dated: 22nd September 2020

NOTES

a) Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Generally, if you wish to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However;

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

(b) Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to



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purchase his interest in the land in accordance with the provisions of the Town and Country Planning Act 1990.

(c) Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in section 120 of the Town and Country Planning Act 1990.

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Planning Department, Tameside MBC, PO Box 304, Ashton Under Lyne, Tameside, OL6 0GA
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Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant/agent:
Mr T Evitt


Date of Application: 28th November 2020
Date of Decision: 1st February 2021
Application Number: 20/01156/FUL

Particulars of details submitted for approval:

Proposed change of use of land to public house use with shelter. (10.00am - 10.30pm)

Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester Tameside.

The Tameside Metropolitan Borough Council hereby gives notice that permission has been granted for the carrying out of the development referred to above, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - The Location Plan,
 - ref. 2076 PL02 P4 - Proposed Site Plan,
 - ref. 2076 PL03 P2 - Canopy Details and Elevations, and
 - The Planning Design and Access Statement, dated November 2020,
received on 28.11.2020; and,
 - The Noise Impact Assessment undertaken by YAcoustics, reference YA231.P1, dated 25th November 2020, received on 28.12.2020.
3. No development shall commence until full design details of the mitigation measures recommended in the Noise Impact Assessment undertaken by YAcoustics, reference YA231.P1, dated 25th November 2020, have been submitted to, and approved in writing by, the local planning authority. The design details shall include plans showing the manufacturers specification, including mass, of the acoustic fencing and Perspex roof to be installed. All of the mitigation measures shall be installed in accordance with the approved details prior to the extended outdoor seating area, or beer garden, hereby approved being first brought in to use and shall be retained as such thereafter.
4. No development shall commence until full details of the proposed planting indicated on the approved plan ref. 2076 PL02 P4, and referred to the Planning Design and Access Statement, has been submitted to, and approved in writing by, the local planning authority. The approved scheme of planting shall then be implemented before the development is brought in to use. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the local planning authority gives written consent to any variation

5. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 21:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
6. The extended outdoor seating area, or beer garden, hereby permitted shall not be used outside the hours of 10:00 to 22.30 on any day.
7. No public address system, television set, amplified music, or musical instrument shall be relayed to, or played in the, extended outdoor seating area, or beer garden hereby permitted.

The reasons for the conditions are:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect the amenities of occupants of nearby dwelling houses
4. Because these details are not included in the application submission, in the interest of visual amenity and to protect the newly created local environment in order to allow for maturity.
5. To protect the amenities of occupants of nearby dwelling houses
6. To protect the amenities of occupants of nearby dwelling houses
7. To protect the amenities of occupants of nearby dwelling houses

NOTES FOR APPLICANT

REASON FOR GRANTING PLANNING PERMISSION

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

Dated: 1st February 2021



Jayne Traverse
Director of Growth

THIS PERMISSION IS ONLY FOR THE PURPOSES OF THE REQUIREMENTS OF THE TOWN AND COUNTRY PLANNING ACTS AND IS NOT AN APPROVAL UNDER THE BUILDING REGULATIONS OR FOR ANY OTHER STATUTORY PROVISION

NOTES

a) Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Generally, if you wish to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However;

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

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- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

b) Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Town and Country Planning Act 1990.



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Telephone 0161 342 4460

c) Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 120 of the Town and Country Planning Act 1990.

IMPORTANT

COMPLIANCE WITH

CONDITIONS

- Enclosed is your planning approval. It may contain conditions that you must comply with.
- Before starting work please read the conditions and understand their requirements and restrictions.
- Some conditions require action **before** the start of the development e.g. agreement of external materials. These conditions **must** be formally discharged before work commences.
- You can apply to discharge conditions via the planning portal website at www.planningportal.co.uk.
- If you fail to discharge and/or comply with the conditions, this may lead to enforcement action being taken against the development.
- It is in your interests to demonstrate that conditions have been discharged and/or complied with. Failure to do so could cause difficulties if the property is sold or transferred.

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Councillor Gerald P Cooney
Councillor Barrie Holland
Councillor Ann Holland
Droylsden West Ward

By Email:

publicprotection-es@tameside.gov.uk

PO BOX 317
 Ashton under Lyne, OL6 0GS

www.tameside.gov.uk
 email: ged.cooney@tameside.gov.uk

Tel: 0161 342 2105

Date: 6 April 2021

Dear Licensing,

Premises: Jolly Carter: 231 Manchester Road, Droylsden M43 6HE

Date of Application: 12 March 2021

Cllrs. G Cooney, A Holland and B Holland, (Elected Members for Droylsden West) in their capacity as an 'Interested Party' under the provisions of the Licensing Act 2003, hereby give notice to the Licensing Section of our objection to the grant of an application to vary the premises licence in respect of the above premises.

The reason(s) for the objection are as follows:

We believe granting the premises licence variation application will undermine the Licensing Objectives, in particular the Prevention of Prevention of Nuisance, Prevention of Crime and Disorder and Protection of Public Safety.

The proposed terminal hour (10:30pm) for use of the beer gardens at the premises is unacceptable and will cause a nuisance to the local community.

The premises is located opposite Chesworth Court, which is a sheltered housing scheme for elderly residents. If the application is granted, there is a potential for a large number of customers to congregate in the new beer garden, which is adjacent to the pub and directly opposite Chesworth Court. We feel that this would cause a disturbance to these residents, particularly under current coronavirus restrictions where all customers are required to use outside areas at all times that the premises is open.

Further, there are many other properties which would be adversely affected by the proposed variation to the premises licence, namely residents of; Martins Way, Kershaw Street and Carpenters Walk.

Currently, there is a condition on the premises licence which restricts use of the beer garden after 9pm. We feel that this condition is reasonable and compliance with this condition should be maintained.



Yours sincerely,

A handwritten signature in black ink, appearing to read "Gerald P Cooney".

**Councillor Gerald P Cooney
For Droylsden West Ward Councillors**

**Councillor Susan Quinn
Councillor Laura Boyle
Councillor David Mills
Droylsden East Ward**

By Email:

publicprotection-es@tameside.gov.uk

PO BOX 317
Ashton under Lyne, OL6 0GS

www.tameside.gov.uk
email: ExecutiveSupport@tameside.gov.uk

Tel: 0161 342 2105

Date: 6 April 2021

Dear Licensing,

Premises: Jolly Carter: 231 Manchester Road, Droylsden M43 6HE

Date of Application: 12 March 2021

Cllrs. S Quinn, L Boyle and D Mills (Elected Members for Droylsden East) in their capacity as an 'Interested Party' under the provisions of the Licensing Act 2003, hereby give notice to the Licensing Section of our objection to the grant of an application to vary the premises licence in respect of the above premises.

The reason(s) for the objection are as follows:

We believe granting the premises licence variation application will undermine the Licensing Objectives, in particular the Prevention of Prevention of Nuisance, Prevention of Crime and Disorder and Protection of Public Safety.

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Currently, there is a condition on the premises licence which restricts use of the beer garden after 9pm. We feel that this condition is reasonable and compliance with this condition should be maintained.

Yours sincerely,

Droylsden East Ward Councillors



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