

## **SPEAKERS PANEL (LIQUOR LICENSING)**

**15 August 2023**

**Commenced: 1.30pm**

**Terminated: 3.10pm**

**Present:** Councillors Drennan (Chair), Bowden and Colbourne

**In Attendance:** Mike Robinson Regulatory Services Manager, TMBC  
Ashleigh Melia Solicitor, TMBC  
Gill Sherratt Napthens Solicitors, for Frederic  
Robinson Ltd, Premises Licence Holder  
James and Vicki Persons responsible for day to day  
Almond operations at the premises  
Zack Premises Manager  
Person making  
representations

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

### **2. MINUTES**

#### **RESOLVED**

**That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 21 April 2023 be approved as a correct record.**

### **3. VARIATION OF A PREMISES LICENCE – FLETCHERS ARMS, 445 STOCKPORT ROAD, DENTON. M34 6EG**

Mr Robinson, Regulatory Services Manager, presented the report to the Panel and outlined the procedure whereby an application can be made for a variation of a premises licence under Section 34 of the Licensing Act 2003 and identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel that 5 conditions were proposed to Frederic Robinson Ltd, which appeared at Appendix 6 to the report, and that Frederic Robinson Ltd was in agreement with 4 of the conditions. The condition not agreed was the requirement for training every 3 months; Frederic Robinson Ltd requested that frequency be annually.

Mr Robinson explained that there had been one representation from a member of the public which appeared at Appendix 7 to the report.

The representative of Frederic Robinson Ltd explained that the door intended to be used as the main entrance and exit was already there and in use; the door was not being moved and referred the Panel to pages 14 to 16 of the report which showed a photograph of the door. Ms Sherratt clarified that the door had a self-closer on it and as part of the refurbishment, the door would be upgraded with a more modern version and the current door already in place there was used by the customers.

It was further explained that the Almond family had four premises including the Fletchers Arms. They had a reputation for turning around unloved pubs; they transform them into food led pubs with

a relaxed setting and are prized tenants of Robinsons and Green Kings breweries. In 2022 they won the family business of the year at Stockport Bus awards.

The Panel were informed that the family took on the Fletcher's over 20 years ago and had transformed it into the same type of operation which was food led. It attracted mature clients who came for the carvery and the drink prices reflected that; it was for the more affluent family and they did not sell cheap drinks or shots. The music they played in the premises was background music for diners. In addition, they had a quiz once a week and an acoustic musician playing on Friday which finished by 10pm at the latest.

The plan for change was due to the pub needing severe modernisation as it currently dated back to the 80s. The bar was rotten beyond repair; it was currently an island bar in the middle of the premises which was an operational hindrance and did not allow for food supervision within the premises as people were in pockets all around the bar. They wanted to move the bar so it was against the back wall which would create an open space that could be supervised.

It was explained that Robertson's were in full support of the works and were partnering with the family to finance the renovation. Robertson's were investing around £340,000 for the works and the family were contributing around £160,000 so in total half a million pounds was being invested to update the family friendly pub.

In relation to the objection, it was explained that it was true the door was closest to the neighbour and the double door that was also used would be behind the bar and would be closed; nothing was really changing as the door that would be used was already in use, it would just be a newer upgraded version.

In relation to the conditions, it was explained that the condition relating to the restriction on under 18s was not relevant these days as law restricted under 18s anyway and the additional condition was not needed for a family friendly licence.

The conditions in relation to fire had been requested to be removed as fire safety was already governed by fire legislation.

In relation to staff training, it was explained that doing training every 3 months was counter-productive and was overkill. CPL online training was issued annually to staff and by putting in training every 3 months could create difficulties regarding procedures that were already in place and working perfectly.

The representative clarified that the issues today were the site plan and the conditions.

It was concluded that the application would be a benefit and would uphold the licensing objectives. Finally, it was acknowledged the issues raised by the neighbour and stated that the pub had been operating for 100 years within its ability to trade normally.

Representations were then made by a member of the public in objection to the Application as follows:

- The proposed variation included changing a single door to a double door; the main access route would then be closer to his property
- He had experienced significant noise previously when the door was opened and closed
- There was noise coming from the premises on Thursday and Friday night which was quiz night
- The newly installed hand dryers were subject to an investigation from Tameside's Environmental Services
- A letter should have been sent to the Applicant regarding a complaint
- The corporate plans showed little regard to adjacent neighbours' wellbeing

- The previous plans for smoking shelters had to be moved as the position was right against his property boundary
- He concluded that he wanted the doors to be placed elsewhere

All parties were provided with the opportunity to ask questions.

The Panel then heard brief closing submissions from all parties.

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.

## **DECISION/REASONS**

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

- the report to Panel
- the application and representations received
- 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 section 34 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.

The Panel identified that the key points to the application were as follows.

The variation application sought (1) to update the plans that accompanied the premises licence to reflect alterations that were being made to the internal layout of the site, namely the relocation of the bar and the entrance/exit being moved to the existing fire exit next to the toilet area on the premises which would involve the existing door being changed from a single door to a double door in order to meet fire regulations, and (2) to remove of some the conditions and the proposal of an additional condition.

The Panel noted that a representation was received by a member of the public who resided adjacent to the Premises. His representation expressed his concern that the entrance/exit being moved to the fire exit would create a noise nuisance to him and his family.

The Panel had regard to the fact that the door proposed to be used as the main entrance/exit, was already in use by customers and that the door frame itself would not be changed. The door that was currently used, which was a single door, was being upgraded to a double door. The Panel considered whether, when a double door was in place, only one of the double doors would be opened and closed when customers entered and exited, compared to now where a full single door was opened and closed. The Panel noted that half of a double door would be smaller than a single door which would mean that, after the renovation, a smaller door would be opened and closed when customers entered and exited the premises and queried whether this could result in noise being reduced.

On this point, the Panel then noted that the member of the public had not submitted evidence to any Responsible Authorities regarding his noise concerns nor did he provide any evidence to support his representation. The Panel correctly acknowledged that they could only make a decision based on the evidence provided before it at the hearing.

The Panel noted that the member of the public did not accept the 5 conditions proposed by the Licensing Authority at Appendix 6 to the report. Furthermore, the Panel noted that the Applicant agreed to all but the condition regarding training every 3 months. The Panel acknowledged that the Applicant sought a condition that staff training took place annually. The Panel discussed this for some time and unanimously determined that 3 monthly training was appropriate as this was standard by the Authority. The Panel did not feel it would be appropriate to meet the Licensing Objectives for training to be provided annually and felt that it was paramount to public safety to stay with the 3 monthly requirement. The Panel concluded that all conditions at Appendix 6 to the report should be imposed on the licence.

The Panel were satisfied that the condition regarding fire doors was not necessary as this was governed by fire legislation and would be duplicitous.

The Panel acknowledged that no representations were received from any Responsible Authorities regarding the licensing objectives being undermined.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that the variation to the premises licence be granted subject to conditions detailed in Appendix 6 of the report.

#### **STEPS TAKEN PURSUANT TO S52(4) LICENSING ACT 2003**

The step that the Panel considered appropriate to promote the licensing objectives was to grant the variation to the premises licence subject to conditions as detailed in Appendix 6 to the report and as appended to the minutes.

If any issues arise with regard to licensed premises which cannot be resolved, a formal review of a licence can take place.

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

#### **RESOLVED**

**That the application for a variation to the premises licence be approved subject to conditions detailed in Appendix 6 of the report and set out in Appendix A to these minutes.**

**CHAIR**

# APPENDIX A

## FLETCHERS ARMS, 445 STOCKPORT ROAD, DENTON. M34 6EG – CONDITIONS

### 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.
- (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 month 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)
- (iv) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (v) Any call for police assistance to the premises
- (vi) Any ejection from the premises
- (vii) Any first aid/other care given to a customer

### 3. 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.

#### **4. 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.

#### **5. LIST OF AUTHORISED PERSONS**

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol.