

**Report to:** **Speakers Panel (Liquor Licensing)**

**Date:** Monday, 13 January 2020

**Reporting Officer:** Emma Varnam – Assistant Director, Operations & Neighbourhoods

**Subject:** **APPLICATION TO VARY A PREMISES LICENCE – THE WHITEHOUSE, 2 WATER STREET, STALYBRIDGE**

**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:

a) modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added); or,

b) reject the whole or part of the application

If neither of these steps are taken, the application must be granted

**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:** 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.  
**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

**Legal Implications:** Members should determine the application in accordance with section 35 of the Licensing Act 2003 and Chapter 9 of the Statutory Guidance issued under section 182 of the Act.  
**(Authorised by the Borough Solicitor)**

**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

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## 1. INTRODUCTION

- 1.1 Section 34 of the Licensing Act 2003 outlines the procedure whereby an application can be made to the Licensing Authority to vary an existing premises licence.
- 1.2 Section 35(3) of the Licensing Act 2003 states that where relevant representations are made in respect of such an application, the authority must:
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such steps as mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
- (a) to modify the conditions of the licence;
  - (b) to reject the whole or part of the application;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## 2. REPORT

- 2.1 The White House, 2 Water Street, Stalybridge has held a premises licence since the inception of the Licensing Act 2003. A copy of the current premises licence is attached at **Appendix 1**.
- 2.2 The current premises licence holders are Hyde's Brewery and the current Designated Premises Supervisor is Mrs Gillian Armstrong.
- 2.3 On 31 October 2019, the Licensing Authority received an application to vary the premises licence. The proposed variations include the addition of the beer garden to the licensable area and the addition of an extra "snug" within the internal space. A copy of this application along with the proposed plan is attached at **Appendix 2**.
- 2.4 The White House been the subject of noise nuisance complaints has a history of complaints the complaints relate to loud amplified music being played into the outside drinking area at the rear of the premise. Between May 2018 and June 2019, the Council received 17 separate complaints alleging noise nuisance from the premises.
- 2.5 Following the influx of complaints, a meeting was held in July 2019 at the Licensing Office between the Licensing Manager Mike Robinson, Regulatory Compliance Officer Brad Byrne and the Production and Distribution Director at Hyde's Brewery, Paul Jefferies. During the meeting, the complaints regarding excessive noise were discussed. A plan to resolve the complaints was agreed and Hyde's were to submit a minor variation application to impose a number of agreed conditions, however the application was never received by the Authority.
- 2.6 On 15 November 2019, during the consultation period for the recent application a serious incident occurred at the White House involving a customer of the pub being struck over the head with a glass bottle in the outside drinking area.
- 2.7 Several visits were made by officers from the Council and Greater Manchester Police. The incident could not be viewed due to the CCTV camera in the beer garden not working

### **3. REPRESENTATIONS AND EVIDENCE SUBMITTED**

- 3.1 Representations from TMBC Licensing and Greater Manchester Police have been received.
- 3.2 PC Martin Thorley acting on behalf of Greater Manchester Police has made representation. This is attached along with further evidence at **Appendix 3**.
- 3.3 TMBC Regulatory Compliance Officer, Brad Byrne has submitted a representation on behalf of TMBC Licensing. This is attached at **Appendix 4**.

### **4. CONCLUSION AND OPTIONS FOR THE PANEL**

- 4.1 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;
  - a) modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added); or,
  - b) reject the whole or part of the application

If neither of these steps are taken, the application must be granted.

### **5. RECOMMENDATIONS**

- 5.1 As set out at the front of the report.