



**MARK RIZK
HEAD OF SERVICE**

**TOWN HALL
BURTON UPON TRENT
DE14 2EB
Telephone: 01283 508000
www.eaststaffsbc.gov.uk**

Dear Sir/Madam,

LICENSING ACT SUB-COMMITTEE

You are requested to attend a Virtual Meeting of the Licensing Act Sub-Committee.

This meeting will be a virtual meeting and therefore will not take place in a physical location.

Details of how to access this meeting will be sent to you in due course.

The meeting is scheduled for Thursday 19th November 2020 at 10am

Yours faithfully,

Mark Rizk
Head of Service

To: **The Chairman and Members of the Licensing Act Sub-Committee:**

Councillors: S Gaskin
H Hall
C Wileman

PUBLIC ACCESS TO INFORMATION

Members of the Public may attend this Meeting and are also entitled to see the background papers to any report which is not likely to be considered in private. Copies of the public Agenda, background papers, and reports will also be supplied on payment of a copying charge.

Please contact: Monica Henchcliffe (01283) 508608
E-mail: monica.henchcliffe@eaststaffsbc.gov.uk

AGENDA

BUSINESS OPEN TO THE PRESS AND PUBLIC

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **APPOINTMENT OF CHAIRMAN**
4. **URGENT BUSINESS**

5. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE –
MIDDLE BELL, 33 MAIN STREET, BARTON UNDER NEEDWOOD, BURTON UPON
TRENT, DE13 8AA**

The Report of the Head of Service regarding an Application for the Review of a Premises Licence under the Licensing Act 2003.

Reason for consideration by the Committee

An Application for the Review of a Premises Licence has been received from an “Other Party”.

1. **Application**

An Application for the Review of a Premises Licence under Section 51 of the Licensing Act 2003 has been received from an “Other Party”, in respect of The Middle Bell, 33 Main Street, Barton under Needwood, Burton upon Trent, DE13 8AA

A site plan is attached to the report **Appendix 05a**

The Application is attached to the report **Appendix 05b**

The Review Application relates to the Licensing Objectives of The Prevention of Crime and Disorder, Public Safety and The Prevention of Public Nuisance.

The Application was received by the Licensing Office by email on Friday 25th September 2020, and in accordance with Section 51 (3)(a) of the Licensing Act 2003, a copy of the Application was served by the Applicant, “Other Party”, on the Holder of the Premises Licence, Punch Partnerships (PTL) Ltd and on all Responsible Authorities accordingly.

Following receipt of the Application the Licensing Authority advertised the Application in accordance with the Regulations of the Act thereby inviting representations to be made by any Responsible Authority or interested party by the 23rd October 2020.

The Premises Licence Holder, Punch Taverns PLC, previously came to the Licensing and Gambling Sub-Committee on the 19th September 2011, on which occasion Members were asked to determine an Application to Vary the Premises Licence. A copy of the Notice of the Determination is attached for ease **Appendix 05c**

Notification has been received from Solicitor at Flint Bishop Solicitors advising that they are acting for the Premises Licence Holder of the Premises and the Tenant at this site has served notice and are expected to vacate the Premises. This email was dated 5th October 2020 **Appendix 05d**, and has been sent to the Applicant, “Other Party” and all Responsible Authorities on the 27th October 2020 following confirmation from the Solicitors that this can be sent to all Parties.

Clarification has been received from Solicitor at Flint Bishop Solicitors on the 27th October 2020 **Appendix 05e**, advising that Heineken purchased approximately 1800 pubs from Punch Taverns PLC, a couple of years ago and whilst they sort out the leases, all the Premises Licences are currently held in the name of Punch Partnerships Ltd, which is rather confusingly unconnected to Punch Taverns PLC.

2. **Premises Licence Details**

Premises Licence Holder:	Punch Partnerships (PTL) Ltd
Premises Address:	Middle Bell 33 Main Street Barton Under Needwood Burton upon Trent DE13 8AA
Premises Licence Number:	PL0048

A copy of the current Premises Licence and plan **Appendix 05f**

2.1 **Current Licensable Activities and Hours**

Supply of alcohol for consumption ON and OFF the Premises

Monday to Thursday	1100 to 0000hrs
Friday and Saturday	1100 to 0100hrs
Sunday	1100 to 2300hrs
Sundays preceding Bank Holiday	1100 to 0000hrs
Christmas Eve	1100 to 0000hrs (only valid if Christmas Eve falls on a Sunday)
New Year's Day	0001 to 2300hrs
New Year's Eve	1100 to 0000hrs
Function Room – Monday to Thursday	0000 to 0100hrs (During pre booked functions only)

Performance of Live Music and Playing of recorded music – indoors

Monday to Thursday	1100 to 0000hrs
Friday and Saturday	1100 to 0100hrs
Sunday	1100 to 2300hrs
Sundays preceding Bank Holiday	1100 to 0000hrs
Christmas Eve	1100 to 0000hrs (only valid if Christmas Eve falls on a Sunday)
New Year's Eve	1100 to 0000hrs
New Year's Day	0001 to 2300hrs
Function Room – Monday to Thursday	0000 to 0100hrs (During pre booked functions only)

Late Night Refreshment – indoors

Monday to Thursday	2300 to 0000hrs
Friday and Saturday	2300 to 0100hrs
Sunday	2300 to 2300hrs
Sundays preceding Bank Holiday	2300 to 0000hrs
Christmas Eve	2300 to 0000hrs (only valid if Christmas Eve falls on a Sunday)
New Year's Eve	2300 to 0000hrs
New Year's Day	0001 to 2300hrs
Function Room – Monday to Thursday	0000 to 0100hrs (During pre booked functions only)

The Opening hours of the Premises

Monday to Thursday	1100 to 0030hrs
Friday and Saturday	1100 to 0130hrs
Sunday	1100 to 2330hrs
Sundays preceding Bank Holiday	1100 to 0030hrs
Christmas Eve	1100 to 0030hrs (only valid if Christmas Eve falls on a Sunday)
New Year's Eve	1100 to 0000hrs
New Year's Day	0001 to 2300hrs
Function Room – Monday to Thursday	0030 to 0100hrs (During pre booked functions only)

3. **Relevant Representations**

Further supporting evidence has been received from the Applicant, "Other Party" dated 6th October 2020, 21st October 2020 and 31st October 2020 **Appendix 5g, Appendix 05h and Appendix 05i**

3.1 **Responsible Authorities**

Comments have been received from the following Responsible Authorities:

- Staffordshire Fire and Rescue Service dated 28th September 2020 **Appendix 05j**
- Immigration dated 29th September 2020 **Appendix 05k**
- Planning, East Staffordshire Borough Council dated 30th September 2020 **Appendix 05l**
- Environmental Health, East Staffordshire Borough Council dated 22nd October 2020 **Appendix 05m**

No responses were received from the following Responsible Authorities:

- Enforcement Team, East Staffordshire Borough Council
- Staffordshire Police Licensing Department
- Staffordshire Safeguarding Children Board
- Staffordshire County Council Trading Standards
- Development Services
- Director of Public Health (NHS)
- Health and Safety Team

3.2 **Other Persons**

Representations have been received from "Other Persons". The Representations are attached to the report:

- Clerk to Barton Under Needwood Parish Council **Appendix 05n**
- Other Persons **Appendix 05o**
- Other Persons **Appendix 05p**

4. **Law**

Section 52 (2) Licensing Act 2003 – provides that, before determining the Application, the Authority must hold a Hearing to consider it and any Representations.

- (3) The Authority must, having regard to the Application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
- (4) The steps are –
- (a) to modify the Conditions of the Licence;
 - (b) to exclude a Licensable activity from the scope of the Licence;
 - (c) to remove the Designated Premises Supervisor;
 - (d) to suspend the Licence for a period not exceeding three months;
 - (e) to revoke the Licence;

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.

- (5) Subsection (3) is subject to Sections 19 to 21 (requirement to include certain Conditions in Premises Licence)
- (6) Where the Authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “**relevant representations**” means representations which –
- (a) are relevant to one or more of the Licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are –
- (a) that the representations are made –
 - (i) by the Holder of the Premises Licence, a responsible Authority or any other person, and
 - (ii) within the period prescribed under Section 51(3)(c)
 - (b) that they have not been withdrawn; and
 - (c) if they are made by a person who is not a responsible Authority, that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.
- (9) Where the relevant Licensing Authority determines that any representations are frivolous or vexatious, it must notify the Person who made them of the reasons for that determination.

- (10) Where a Licensing Authority determines an Application for Review under this Section it must notify the determination and its reasons for making it to -
- (a) the Holder of the Licence,
 - (b) the Applicant,
 - (c) any person who made relevant Representations, and
 - (d) the Chief Officer of Police for the Police area (or each {Police area} in which the Premises are situated
- (11) A determination under this Section does not have effect -
- (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the Appeal is disposed of.

5. **National Guidance – Revised Guidance issued under Section 182 of the Licensing Act 2003**

Please see following document for National Guidance relating to the Application

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003> (April 2018)

6. **Local Policy Considerations**
East Staffordshire Borough Council – Statement of Licensing Policy

The following extracts have been taken from East Staffordshire Borough Council's Statement of Licensing Policy:

- 8.16 Where an Application is made for the review of a Premises Licence or Club Premises Certificate, the matter will be determined in accordance with the terms of this Policy. The Application for review will be considered in accordance with the delegated criteria
- 8.17 Where an Application for review has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing of this fact
- 8.18 When an Application to review a Premises Licence or Club Premises Certificate has been determined in accordance with the procedures detailed above, the Licence or Certificate will either:
- Continue in operation unaltered,
 - Be modified and the terms and Conditions changed in accordance with the Licensing Authority decision, or
 - Be cancelled.
- 8.19 The Licensing Authority will determine the date upon which the decision will take effect and the Licence Holder and Applicant for review advised accordingly.

8.20 In relation to a modification or the cancellation of a Licence or Club Premises Certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

7. **Details of negotiations that have been carried**

None

8. **Decision Options**

Application for the Review of a Premises Licence

- a. Refuse the Application
- b. Modify the Conditions of the Licence, by altering, omitting or adding to them where relevant
- c. Exclude a Licensable Activity from the scope of the Licence
- d. To remove the Designated Premises Supervisor
- e. Suspend the Licence for a period not exceeding three months
- f. Revoke the Licence

9. **Appeals (Application for the Review of a Premises Licence)**

Application refused – the Applicant or any other person who made relevant representations in relation to the Application may appeal

Application granted – the Licence holder may appeal

Application granted and conditions altered, omitted or added – the Licence holder, the Applicant and any other person who made relevant representations may appeal

Licence suspended for a period not exceeding three months - the Licence holder, the applicant and any other person who made relevant representations may appeal

Licence revoked – the Licence holder may appeal

10. **Details of who has been invited to attend**

The Applicant – “Other Party” and/or a representative

The Premises Licence Holder and/or a representative, Punch Partnerships (PTL) Ltd

“Other Person”:

Clerk to Barton under Needwood Parish Council and/or a representative

Other Persons and/or a representative

Other Persons and/or a representative

11. **Date and Time of Hearing**

Thursday 19th November 2020 at 10.00am

12. **List of Appendices**

- 05a** Site Plan
- 05b** Application for Premises Review
- 05c** Notice of Determination dated 19th September 2011
- 05d** Email from Flint Bishop Solicitors dated 5th October 2020
- 05e** Email from Flint Bishop Solicitors dated 27th October 2020
- 05f** Copy Premises Licence and plan
- 05g** Additional evidence email from Applicant, "Other Party" dated 6th October 2020
- 05h** Additional evidence email from Applicant, "Other Party" dated 21st October 2020
- 05i** Additional evidence email from Applicant, "Other Party" dated 31st October 2020
- 05j** FARS response
- 05k** Immigration response
- 05l** Planning, ESBC response
- 05m** Environmental Health, ESBC response
- 05n** Letter from Clerk to Barton under Needwood Parish Council dated 9th October 2020
- 05o** Email from Other Persons dated 19th October 2020
- 05p** Email from Other Persons dated 20th October 2020

Report created by: Helen Farman-Mckenna - Licensing Officer