

**LICENSING ACT 2003:**  
**Application for a Premises Licence to be granted at 41 Castle Street, Edgeley, SK3 9AT**

**Report of the Corporate Director for Place Management & Regeneration**

**1. PURPOSE OF REPORT**

- 1.1. For Members to consider an application from Edgeley Local Ltd for a premises licence to be granted under the Licensing Act 2003 at 41 Castle Street, Edgeley, SK3 9AT.

**2. DETAILS**

- 2.1. Applicant: Edgeley Local Limited  
Address: 41 Castle Street, Edgeley, SK3 9AT.  
Designated Premises Supervisor: Akshay Ahuja  
Name of Premises: Edgeley Local Ltd  
Address of Premises: 41 Castle Street, Edgeley, SK3 9AT.  
Situation: A location plan is attached.

**3. BACKGROUND**

- 3.1. On 6<sup>th</sup> July 2020, Edgeley Local Ltd made an application for a premises licence to be granted at 41 Castle Street, Edgeley, SK3 9AT. Edgeley Local Ltd have applied for:
- The supply of alcohol off the premises Monday to Sunday 08:00 to 23:00 hours.
- 3.2. The application has proposed that the following conditions appear, in addition to the mandatory conditions, on the premises licence;
- Effective ongoing training of all members of staff to understand and promote the licensing objectives and work with in the conditions set by the premises licence. The designated premises will conduct staff training on a six monthly basis, records of training will be documented and made available to the police or other responsible authorities.
  - CCTV will be in operation in all areas of the shop. The CCTV system will record at all times that the premises are open for licensable activities. Recordings will be stored for a minimum of 31 days and images will be provided to the police upon request with the minimum of delay. There will always be a member of staff present whilst the premises is open to the public who is conversant with the CCTV system and able to download images on request for the police.
  - CCTV will be in operation in all public areas inc entrances and exits. External lighting will be on during operational hours.
  - An incident log will be kept at the premises and will record any incidents of crime or disorder. This log will also record any refusals of sale. The log will be

available for inspection on request by a police officer or other responsible authority.

- Staff will ensure no customers loiter outside of the premises.
  - Staff will regularly check outside the premises and keep the outside area clean and clear of litter.
  - A Challenge 25 proof of age scheme will be in operation at the premises where the only forms of acceptable id will be a passport, photo driving licence or proof of age card with the holographic logo. There will be a “no id, no sale” policy at all times for people who look under 25.
  - All staff will receive training on this policy and training records will be kept for inspection if requested by the police or other responsible authority.
- 3.3. The application was advertised on the boundary of the premises for 28 days from the 6<sup>th</sup> July 2020 and a copy of the notice was published in the Stockport Express on the 15<sup>th</sup> July 2020.
- 3.4. There have been four relevant representations to this application, relating to the Prevention of Public Nuisance and Prevention of Crime & Disorder licensing objectives. The representations are from interested parties and a Responsible Authority.

#### **4. GUIDELINES**

4.1 Section 16 of the Licensing Act 2003 states that the following persons may apply for a premises licence –

- (a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates,
- (b) a person who makes the application pursuant to—
  - (i) any statutory function discharged by that person which relates to those licensable activities, or
  - (ii) any function discharged by that person by virtue of Her Majesty’s prerogative,
- (c) a recognised club,
- (d) a charity,
- (e) the proprietor of an educational institution,
- (f) a health service body,
- (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c. 14) in respect of an independent hospital in Wales,
- (ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,
- (h) the chief officer of police of a police force in England and Wales,
- (i) a person of such other description as may be prescribed.

4.2 Section 18 (3) of the act states that, where relevant representations are made, the authority must, having regard to the representations made, take such steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) to grant the licence subject to
  - (i) such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

- (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.

4.3 The Statutory Guidance issued under section 182 of the Licensing Act 2003 was amended to reflect changes made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2012 and was most recently amended in April 2018. This guidance gives the following advice on the issues raised in the representation.

4.3.1. In relation to the Prevention of Crime & Disorder licensing objective, paragraph 2.1 states that Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

4.3.2 Paragraph 2.2 states that in the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

4.3.3 Paragraph 2.3 states that Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

4.3.4 Paragraph 2.5 states that Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 4.3.5. In relation to the prevention of public nuisance licensing objective, paragraph 2015 states that the 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 4.3.6. Paragraph 2.16 states that public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 4.3.7. Paragraph 2.17 states that conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 4.3.8. Paragraph 2.18 states that as with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 4.3.9. Paragraph 2.19 states that where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why

there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 4.3.10. Paragraph 2.20 states that measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 4.3.11. Paragraph 2.21 states that beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.
- 4.4. Paragraph 10.10 states that The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **5 RECOMMENDATION**

- 5.1. The Committee is asked to consider the application for a Premises Licence to be granted at 41 Castle Street, SK3 9AT.

### **BACKGROUND PAPERS**

Licensing Act 2003

Statutory Guidance to the Licensing Act 2003, as revised, April 2018.

Stockport's Licensing Policy, 2016-2021

Anyone wishing to inspect the above background papers or requiring further information should contact Sarah Tooth on telephone number 0161 474 4176 or alternatively email on [sarah.tooth@stockport.gov.uk](mailto:sarah.tooth@stockport.gov.uk).

