

**LICENSING ACT 2003:**  
**Application for a Premises Licence to be granted at Indoor Market Hall Market place, The Mile, Vernon Street, Bridge Street Brow, Mealhouse Brow, Little Underbank, Great Underbank, Stockport**

Report of the Corporate Director for Place Management & Regeneration

**1. PURPOSE OF REPORT**

For Members to consider an application from Seven Miles Out for a premises licence to be granted under the Licensing Act 2003 at Indoor Market Hall Market place, The Mile, Vernon Street, Bridge Street Brow, Mealhouse Brow, Little Underbank, Great Underbank, Stockport

**2. DETAILS**

**2.1. Applicant: Seven Miles Out**

Address: 300 Hyde Road Woodley Stockport SK6 1PA

Designated Premises Supervisor: John Barratt

Name of Premises:

Address of Premises: Indoor Market Hall Market place, The Mile, Vernon Street, Bridge Street Brow, Mealhouse Brow, Little Underbank, Great Underbank, Stockport

Situation: A separate location plan is not included within the report, as the licence application includes outdoor areas and therefore the location can be seen within the actual premises licence application plan attached at **Appendix A2**

**3. BACKGROUND**

On 2 June 2021 Seven Miles out made an application for a premises licence to be granted at the Indoor Market Hall Market place, The Mile, Vernon Street, Bridge Street Brow, Mealhouse Brow, Little Underbank, Great Underbank, Stockport

- Sale of alcohol on the premises only Friday\* 1800-2100 hours
- Performance of live music Friday\* 1800-2100 hours
- Performance of recorded music Friday\* 1800-2100 hours
- Performance of dance Friday\* 1800-2100 hours

\*denotes the last Friday of each month except for December when it will be the 3<sup>rd</sup> Friday of the month (for the purposes of clarity the licence application relates to 1 Friday per calendar month)

A copy of the application is attached at **Appendix A1 and associated plan at Appendix A2**, personal data has been redacted.

- 3.1. In addition to the mandatory licence conditions the applicant has proposed a number of further conditions be attached to the premises licence. These are contained in the Operating Schedule within the application form at **Appendix A1**. The proposed conditions are detailed in respect of each of the 4 licensing objectives. The 2 parties who have made representations have been provided with details of the licence conditions proposed by the applicant
- 3.2. The application was advertised on the boundary of the premises for 28 days from the 3 June 2021, and a copy of the notice was published in the Stockport Express on Wednesday 9 June 2021
- 3.3. There have been 2 relevant representations to this application, relating to the licensing objectives of public nuisance and public safety. No representations have been received from responsible authorities but representations have been received from other parties. The representations are attached at **Appendix B1 and B2** copies of the representations were provided to the applicant at the end of the consultation period, both representations were received electronically

#### 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: All paragraph references in subsections of 4.3 below relate to the relevant paragraph of the statutory guidance

- 4.3.1 In relation to the prevention of public nuisance licensing objective, paragraph 2.15 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.
- 4.3.2 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.
- 4.3.3 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.
- 4.3.4 In respect of public safety paragraph 2.7 states licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime

and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

4.3.5 Paragraph 2.8 states a number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

4.3.6 Paragraph 2.9 states the measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that

4.3.7 Paragraph 2.10 states Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

4.3.8 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 OPTIONS**

Following the consideration of the application the sub committee has the following options

- To grant the application as applied for
- To grant the application subject to any conditions it considers appropriate for the promotion of the licensing objectives
- To grant the licence but exclude from the scope of the licence any of the licensable activities to which the application relates – based on the failure to promote the licensing objectives
- To grant the licence but amend the hours of any licensable activities to which the application relates – based on the failure to promote the licensing objectives
- To refuse to specify the person named as the designated premises supervisor
- To reject the application

## **6 RECOMMENDATION**

- 6.1 The Committee is asked to determine the application for a Premises Licence by Seven Miles Out in respect of Indoor Market Hall Market place, The Mile, Vernon Street, Bridge Street Brow, Mealhouse Brow, Little Underbank, Great Underbank, Stockport The Sports Pavilion, Cross Rd, Heald Green.
- 6.2 Full reasons should be given for the decision reached to inform the formal decision notice which must be sent to all parties following the meeting.

## **BACKGROUND PAPERS**

Licensing Act 2003

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

Stockport's Licensing Policy, 2021 - 2026

Anyone wishing to inspect the above background papers or requiring further information should contact [sarah.tooth@stockport.gov.uk](mailto:sarah.tooth@stockport.gov.uk).