

**NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE
("the Panel")**

**RECORD OF HEARING HELD ON
23 AUGUST 2019
10:00 HOURS
CIVIC ROOM ONE, CASTLE HOUSE
GREAT NORTH ROAD, NEWARK NG24 1BY**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
WHITE HIND BAR, 3 CARTER GATE, NEWARK NG24 1UA**

APPLICANTS: Richard and Tracey Belam

**SUB – COMMITTEE: Councillor Mrs S.M. Michael (Chairman)
Councillor L. Brazier
Councillor Miss R. White**

**Caroline O'Hare (Senior Legal Officer - NSDC)
Nicola Kellas (Senior Licensing Officer – NSDC)**

**ALSO IN ATTENDANCE: Objectors
Denise Briggs (Nottingham Police – Legal Rep.)
Kate Anstey (Nottingham Police)
Daveen Brown (Nottingham Police – Licensing)
Janine Ruane (Nottingham Police)**

**Applicants
Richard Belam**

Details of Application

An application for the variation of premises licence for the White Hind Bar, 3 Carter Gate, Newark, NG24 1UA was submitted by Mr. Richard Belam. Details of the application were contained within the papers circulated to the Panel for consideration. The Panel were advised that representations had been received from two parties: Nottinghamshire Police; and Newark Town Council. Copies of the representations were attached as appendices to the report.

Prior to the commencement of the hearing the Panel Chairman set out the procedure to be followed and the Council's Senior Legal Officer provided legal advice to all those in attendance.

Mr. Belam advised that prior to submitting the application to vary the premises licence he had met with the Police. Initially it had been his intention to request a closing hour of 04:00 hours but the Police had suggested this be amended to 03:00 hours, the hour requested on the application form. Prior to the application's submission, three events covered by Temporary Event Notices had been held to trial the amended closing hour. These had proved successful and the application was submitted with the intention of staggering the hour that people were

Friday, 23rd August, 2019

leaving premises in Newark Town Centre. It was noted that sixteen HD cameras had been installed to help combat antisocial behaviour and that any issues would be referred to the Police.

Denise Briggs confirmed that the Police had a good working relationship with the applicant. She referred to the Police evidence submitted and some issues/incidents that had recently occurred. Mr. Belam stated that these were outside the premises e.g. a daytime incident between a cyclist and a motorcar. Ms Briggs stated that there had been alcohol fuelled incidents and queried whether staff at the premises were sufficiently trained to deal with such matters. Mr. Belam stated that incidents on the street were outside of their jurisdiction. He added that door staff could be more proactive, rather than waiting for incidents to occur but overall he was happy with the staff he currently had working at the premises.

Ms Briggs referred to the TENs which had occurred in April 2019 and whether any additional door staff had been employed. Mr. Belam confirmed that no extra staff had been used on the door or bar as they had been random dates to trail the revised termination hour. He added that he did not believe that Bank Holidays would be of any particular concern.

Ms Briggs stated that a number of different options had been discussed with Mr. Belam but they had all been rejected. Mr. Belam responded to say that the premises would be vacated by 03:15 hours, adding that it would be a financial benefit but that was not the reason for submitting the application.

Ms Briggs stated that mid-week options in relation to hour of closing had been offered to Mr. Belam but he largely saw them as irrelevant. One such time was 02:30 hours closure with 03:00 hours at the weekends. She added that Mr. Belam still felt that they were irrelevant as customers were still in at 02:00 hours and order two or three drinks. Mr. Belam responded by stating that issues were with groups and conflicts occurred when the pubs closed.

Ms Briggs referred to taxi provision and that this would require customers to walk across the town. She also stated that there would no food premises open at that hour. If Mr. Belam offered to stop serving at 02:30 hours and close the premises by 03:00 hours, this would give the premises the latest opening times in the town. Mr. Belam stated that when the Atrium re-opened they would be open until 03:00 hours. He added that drinking habits were unpredictable and that the pedestrian area outside the Atrium was used a 'rat run' for cars, particularly early evening.

Ms Briggs referred to the offered conditions, specifically food being made available later. Mr. Belam advised that he had considered the condition but the premises was not a fast food outlet. He had considered siting a burger van outside the premises but this would result in the need for additional resource. He had also considered establishing a taxi contract with the local firm he used himself but they only opened until 03:00 hours for calls.

Councillor Michael queried what the extra hours would give Mr. Belam. He responded that it would enable his customers to leave in a safer environment and that they would not be so pressured to leave.

Mr. Belam was asked how he intended to mitigate any potential noise nuisance at 03:00 hours. He responded by advising that he would put up notices asking customers to be respectful of neighbouring properties but that the area was not predominantly residential.

Friday, 23rd August, 2019

He added that he would request door staff to assist. He hoped that everyone could leave without incident and that the mid-week extended hours was to cover weddings etc. but there was no intention to stay open late during the week.

Councillor White queried what was there to prevent customers from leaving other premises with a 02:00 hour termination hour and going to the White Hind. Mr. Belam advised that there was nothing in place but that the door staff would be required to manage that. The premises were not large and bar staff would also need to be aware of not serving too much too late.

Councillor Brazier queried the number of cameras at the premises. Mr. Belam advised that there had been sixteen new HD cameras installed in addition to the six existing cameras. They monitor what is happening in the premises. Mr. Belam added that there were around eighty customers in the premises at closing time on a Friday and Saturday. He stated that the door staff would be able to manage an additional forty customers and it was likely that they would have been drinking in the premises earlier in the evening. In relation to the proposed earlier opening, Mr. Belam stated that the premises would only be opened early if needed e.g. for breakfast for groups of people meeting up for an onward journey.

Ms Briggs stated that the Police had no issue with the early morning start time in respect of crime and disorder. The Police would be agreeable to a compromise of 02:00 last drinks served and 02:30 hours for premises closure. As stated in their submitted evidence, the Police were concerned with the later time due to the lack of support available and the infrastructure in the town with limited taxis, trains, buses and no night-time guardians. People staying out drinking later led to more violence. The incidents details all occurred late at night and there was concern that people would drink more and cause trouble. Plastic cups would also enable customers to take their drinks with them, enabling them to continue to consume alcohol.

Kate Anstey advised that she had visited the premises and found there to be no street pastors, the taxi rank on the other side of town and no available food outlets.

In relation to the above concerns about transport and food, it was suggested that appropriate conditions be attached e.g. provision of a Freephone to a taxi number within the premises.

In relation to the staggering of leaving hours, it was suggested that this could be problematic as the customers would have had longer to consume alcohol.

It was noted that the TENs had been successful but had not included a seasonal variation so did not offer a complete picture.

The amended hours applied for led to the potential for more drinkers with customers going into the White Hind after other premises had closed. There was also concern about the door staff at the premises in that they did not intervene at the earliest opportunity.

Mr. Belam referred to the aforementioned comments made about the Atrium, stating that he was trying hard to run a professional business but was being penalised by a lack of Police presence/resources. In response Ms Anstey stated that each premise was looked at on an individual basis. The Atrium was a late night destination and supported by a quick dispersal of customers for food and taxis.

Councillors Michael and White queried whether the Police?? would support the amendment if additional door staff were employed. They also encouraged for the suggested condition to be better worded.

Police Summary

The premises are well run but the location is problematic due to the infrastructure but this was largely out of the applicant's control. It was stated that the compromise would fit in with the town infrastructure.

Applicant's Summary

The compromise would result in the loss of ??????. The extra hour would make no difference. Taxis stop in the pedestrian zone. A compromise was offered on food but not fast food. One of the TENs was over a Bank Holiday when a termination hour of 03:00 hours had been agreed with Newark's Chief Inspector. The premises were managed to the best of the applicant's ability.

Decision

The Panel stated that they believed the later opening hours and licensable activity extended hours proposed would not support the licensing objectives and were therefore not satisfied that the longer hours sought would not encourage or contribute to issues of antisocial or criminal behaviour in the area together with disorder and public nuisance.

They determined the application in part with additional conditions, details of which are as follows:

Opening Hours and Hours for Licensable Activities

Opening Hours	Monday-Sunday	08:00 – 02:30 hours
Supply of Alcohol	Monday-Sunday	08:00 – 02:00 hours
Late Night Refreshment	Monday-Sunday	08:00 – 02:00 hours
Recorded Music	Thursday-Sunday	08:00 – 02:00 hours

Conditions

1. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every six (6) months. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the police or any other authorised persons on request. All such record books shall be retained at the premises for at least 12 months.

2. Two (2) suitably trained and licensed SIA door supervisors shall be on duty on Friday and Saturday from 20:00 hours until the premises close. A bound and sequentially paginated book or electronic record containing names, addresses and full SIA licence number(s) of door supervisors shall be maintained. This information shall be made available for inspection by the police or any other authorised persons on request. All such record books shall be retained at the premises for at least 12 months.
3. Cognisance shall be taken of Police advice if events are taking place which may directly or indirectly impact on the safety of staff and customers and provision shall be made for the required number of SIA licensed door supervisors to be on duty at times as agreed with the police i.e. events requiring extra police resources (Bank holiday weekends, significant international or local sporting events etc.). This condition may be amended or dissapplied in writing by Nottinghamshire police 2 working days prior to the date and time of the dissapplication and given to the Designated Premises Supervisor to be retained on the premises.