



**Castle House
Great North Road
Newark
NG24 1BY**

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Chairman: Councillor Mrs R Crowe

Vice-Chairman: Councillor R White

Members of the Committee:

Councillor Mrs K Arnold

Councillor Mrs I Brown

Councillor P Harris

Councillor Mrs S Saddington

Councillor Mrs Y Woodhead

Councillor L Brazier

Councillor S Carlton

Councillor R Jackson

Councillor I Walker

Councillor Mrs B Brooks

Councillor M Cope

Councillor Mrs S Michael

Councillor K Walker

AGENDA

MEETING: Licensing Committee

DATE: Thursday, 12 November 2020 at 6.00 pm

**VENUE: Broadcast from Castle House, Great North Road,
Newark NG24 1BY**

**You are hereby requested to attend the above Meeting
for the purpose of transacting the business on the Agenda as overleaf.**

**Attendance at this meeting and public access will be by remote means due to the Covid-19 Pandemic.
Further details to enable remote access will be forwarded to all parties prior to the
commencement of the meeting.**

If you have any queries please contact Helen Brandham on helen.brandham@newark-sherwooddc.gov.uk 01636 655248.

REMOTE MEETING DETAILS

This meeting will be held in a remote manner in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be live streamed on the Council's social media platforms to enable access for the Press and Public.

- | | | |
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| 9. | Exclusion of the Press and Public | None |
|----|-----------------------------------|------|

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Agenda Item 3

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Broadcast from Castle House, Great North Road, Newark NG24 1BY on Thursday, 3 September 2020 at 6.31 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor R White (Vice-Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks,
Councillor R Jackson, Councillor Mrs S Michael, Councillor
Mrs S Saddington, Councillor I Walker and Councillor K Walker

APOLOGIES FOR ABSENCE: Councillor Mrs I Brown (Committee Member), Councillor S Carlton
(Committee Member), Councillor M Cope (Committee Member),
Councillor P Harris (Committee Member) and Councillor
Mrs Y Woodhead (Committee Member)

REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England & Wales) Regulations 2020.

23 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

24 DECLARATION OF ANY INTENTION TO RECORD MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

25 MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2019

AGREED (unanimously) that the Minutes of the meeting held on 5 September 2019 be approved as a correct record and signed by the Chairman.

26 COUNTY WIDE BEST BAR NONE SCHEME FOR 2019/2020

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members as to the findings of the review of the current Best Bar None Scheme (BBN) Scheme.

The report highlighted that following the review it was felt that the element missing from the scheme appeared to be the measurement of customer experience and the enjoyment of the venue and the feeling of it being a safe place to visit. The review also brought to light the duplication between the requirements of the BBN scheme and the legal requirements for holding a licence. Officers from Nottinghamshire, who carried out the review, felt that the scheme should reflect something over and above

the legal requirements. It was reported that the proposed inclusion of customer experience did not form part of the national scheme and therefore discussions had been held with the national executive in this regard. They had responded favourably and asked for a local scheme to be developed for their consideration. The development of a local scheme had been delayed due to the Coronavirus Pandemic and whilst work was ongoing, it was not seen as a priority for local authorities or licensed premises.

AGREED (unanimously) that:

- (a) the outcome of the review of the Nottinghamshire County Best Bar None Scheme be noted; and
- (b) the delay of the scheme to spring/summer 2021 be supported.

27 REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

The Committee considered the report presented by the Business Manager – Public Protection which sought to report to Members the findings of the additional consultation with Parish Councils and the Police on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.

It was reported that additional consultation had been carried out with the parishes listed in paragraph 3.2 of the report following concerns expressed by Members about the responses received to the initial consultation conducted. The responses to the additional consultation were listed within the report. Additional consultation was also carried out with a number of different parishes who had a Drinking in a Public Place Order (DPPO) in place. Due to the delay in progressing this matter as a result of the Coronavirus Pandemic a further round of consultation was carried out at the end of July with the responses received being reported in paragraph 3.11 of the report.

In considering the report and the proposals as listed in paragraph 4.0 of the report, all Members again expressed their concerns about the revocation of the current DPPOs, stating that they provided a useful tool as a deterrent and their removal would increase the potential for alcohol related incidents to increase. Members also advised that from their discussions held with the Police they were in agreement with the retention of the Orders. The Business Manager advised that he had also spoken with the Police, mainly about anti-social behaviour (ASB) and that they were looking to control that through ASB legislation and not alcohol controls.

The Business Manager advised that the old DPPOs were made without a requirement for reviews or assessments to be carried out but that the new PSPOs were evidence based and were subject to review. Members agreed that it better to keep the orders in place to act as a deterrent. It was proposed and seconded that all the current DPPOs as listed in the report remain in place.

AGREED (unanimously) that:

- (a) contrary to Officer recommendation, the DPPOs in place in the following parishes remain in place:

Farnsfield; Balderton; Blidworth; Edwinstowe; Sutton on Trent; and Rufford Country Park;

(b) a Public Space Protection Order be agreed in:

Southwell; Clipstone; Ollerton & Boughton; and Rainworth (as shown on Maps 1 to 4 attached to the report);

(c) the terms of the Order, as noted in paragraph 4.3 of the report, be approved; and

(d) the fixed penalty level for all PSPOs is set at £100.00 reduced to £75.00 if made within 14 days be approved.

28 REGULATION OF DOOR STAFF AT LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought Members’ approval for initiatives aimed at improving the regulation of door staff at licensed premises.

The report set out the criteria that applicants for a Security Industry Authority (SIA) licence have to meet before they are granted a licence and what holders of a licence must do. It was noted that the SIA were the main enforcement authority for the regulation of door supervisors but that it was recognised that local authority licensing staff had an important role to play. It was further noted that local authority staff could be authorised by the SIA to enforce the law with regard to door supervisors and that the Council had duly authorised two Licensing Enforcement Officers to undertake licence checks of door supervisors in the district.

Paragraph 3.0 of the report set out that the number of venues in the district required to provide door supervisors was small compared to some other towns but that occasional reports of poor behaviour by staff were received. Members noted that it was proposed that the Licensing Enforcement Officers would hold annual meetings with door staff and their employing organisation who operate in the district to set out the approach that the Council expected from them. This would have some elements of enforcement but would also take a wider approach and include elements of safeguarding of vulnerable people and the wider promotion of the night time economy.

AGREED (unanimously) that an annual meeting with door supervisors be organised in an appropriate Covid-19 secure manner.

29 BUSINESS & PLANNING ACT 2020 AND IMPLICATIONS FOR LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought Members approval for the implementation of the Business & Planning Act 2020 in relation to pavement licences and other impacts on licensed premises. It was noted that the Act had been introduced to support business with arrangements to trade effectively during the controls imposed as part of the combatting of the Coronavirus Pandemic.

The report set out for Members the background of the new legal framework for pavement licences and the powers that had been given to district and borough councils who would be required to process applications for them. Details of the application process, together with the necessary consultations and conditions were included in the report. Also included within the report was information as to the changes made to the Licensing Act 2003 in relation to off-sales. Paragraph 3.0 of the report set out the proposals, with the introduction of a scheme of delegation, some proposed conditions to be attached to licences and the organisations to be consulted on each application.

In considering the report Members commented on a number of issues. In relation to pavement licences Members stated that these would be acceptable on wide pavements and that a minimum width should be set. The Business Manager advised that it was necessary to consult the Highways Authority for each application and would expect this type of issue to be raised.

A Member raised concern as to the potential hours of operation and that any consultations were properly scrutinised by the relevant organisation. The Business Manager agreed that hours of operation did cause some concern but it was hoped that the extended consultation base would provide responses as to the potential impacts.

The use of glass outside on pavement areas was also raised as a concern, especially during the hours of darkness should they get left on the ground or dropped and smashed. The Business Manager advised that many premises adopted the use of polycarbonate glasses as part of their premise licence. He also added that it was possible to review, amend or add to the conditions attached to a licence.

AGREED (unanimously) that:

- (a) the scheme of delegation set out at Appendix 1 be approved;
- (b) the fee of £50 for application and £25 renewal be approved;
- (c) the standard conditions attached as appendix 2 be approved; and
- (d) the list of consultees as below be approved:
 - Highways Authority
 - Nottinghamshire Police
 - NSDC Planning Business Unit
 - The relevant Town or Parish Council
 - NSDC Environmental Health

30 LICENSED PREMISES AND THE REGULATION OF CORONAVIRUS CONTROLS

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members on the actions taken to implement the coronavirus controls in licensed premises.

The report set out the issues that had arisen subsequent to the closure of all bars, pubs, night clubs and cafes at midnight on 20 March 2020 and the response and actions taken by the Licensing Team of Newark & Sherwood District Council. Also contained in the report were the broad requirements necessary for those premises to

re-open from 4 July, with it being noted that these were guidance and not law. Again, the response and actions taken subsequent to the re-opening of the aforementioned premises were detailed in paragraph 3.0 of the report.

In considering the report Members expressed their thanks for all the work undertaken by Officers, adding that the public must also take responsibility for their own safety.

In relation to the outbreak at the factory located in Newark, a Member queried as to why the premise had not been closed and deep cleaned. The Business Manager advised that whilst employees were testing positive, there was no obvious connections within the actual premises but more so externally. The workers had been required to self-isolate if positive as were those that had been in contact with them. Members agreed that the course of action taken had worked as the number of positive cases had fallen.

AGREED (unanimously) that the actions taken in relation to licensed premises and Covid-19 actions be noted.

31 MINUTES OF LICENSING SUB-COMMITTEES

31a 10 October 2019 - Mccarroll's Barbers

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of McCarrolls Barbers held on 10 October 2019 be noted.

31b 17 June 2020 - RSPB

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of the RSPB held on 17 June 2020 be noted.

31c 4 August 2020 - 29 Appleton Gate

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of 29 Appleton Gate held on 4 August 2020 be noted.

32 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Senior Licensing Officer in relation to the activity and performance of the Licensing Team between 1 January and 30 June 2020.

AGREED (unanimously) that the report be noted.

33 TEMPORARY EVENT NOTICES - JANUARY TO JUNE 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the Temporary Event Notices received between 1 January and 30 June 2020.

AGREED that the report be noted.

34 FORWARD PLAN

AGREED that the following items be added to the Committees Forward Plan for consideration at the next meeting scheduled for 12 November 2020.

- Update Report on the County Wide Best Bar None Scheme
- Update Report on Door Staff at Licensed Premises
- Update Report on Business & Planning Act 2020 and Implications for Licensed Premises, specifically Pavement Licences.
- Test Sales with Supermarkets, including the wearing of face masks

Meeting closed at 7.35 pm.

Chairman

Forward Plan of the Licensing Committee Decisions from 1 November 2020 to 31 October 2021

This document records some of the items that will be submitted to the Licensing Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for Licensing Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

Meeting Date	Subject for Decision and Brief Description	Contact Officer Details
TBC	Pubwatch Update	alan.batty@newark-sherwooddc.gov.uk
TBC	The Use of Nitrous Oxide	
TBC	Update Report on the County Wide Best Bar None Scheme	
TBC	Update Report on Door Staff at Licensed Premises	
TBC	Update Report on Business & Planning Act 2020 and Implications for Licensed Premises, specifically Pavement Licenses	
TBC	Test Sales with Supermarkets, including the Wearing of Face Masks	

Members to put forward any items they would wish to consider at future meetings of the Licensing Committee.

LICENSING COMMITTEE

12 NOVEMBER 2020

PUBWATCH SCHEMES IN NEWARK AND SHERWOOD

1.0 Purpose of Report

1.1 To update Members on the Pubwatch schemes currently operating in Newark & Sherwood District.

2.0 Background

2.1 Pubwatch is a voluntary organisation set up to promote best practice. Its aim is to achieve a safer drinking environment in all licensed premises throughout the UK.

2.2 In Newark & Sherwood, we have 3 Pubwatch schemes. They are based in Newark, Ollerton and Southwell. Each area meets once a month and discusses issues that affects them and helps the share of information.

2.3 Pubwatch meetings consider issues such as problematic customers, licensing issues, previous incidents and how they were handled and up and coming events that may impact on licensed premises.

Newark Pubwatch

2.4 The Newark Pubwatch meeting takes place on the last Thursday of each month and approximately 15 premises are represented. The Police and licensing staff are normally in attendance along with trade representatives. There is an open invitation for the Chairman and Vice-Chairman of Licensing Committee to attend. The meeting is always chaired by a local licensing trade representative.

2.5 The Licensing Committee has supported the Newark Pubwatch by promoting the Schemelink which is a mobile phone app which has been developed as a central point for easier data sharing of data and communication across Pubwatch for unifying online services for members, police and councils.

2.6 Features of Schemelink include:

- Group chat
- Incident logs, which once submitted are sent through to all members
- Push notifications
- Notice board, for sharing information for example, photos of counterfeit notes
- Ability to poll about a ban rather than wait until the next meeting
- Banned gallery – which includes individual watermarks for members, so if images were shared inappropriately it would be easy to discover who had shared them.
- Each member can appoint temporary access to others for a period of 24 hours, this would be used for SIA door staff.

- 2.7 The Schemelink App has now been rolled out to the Pubwatch in Newark and has been well received. So far there are 20 establishments that have either signed up to use the App or are in the process of activating it. The App has proved really useful in identifying individuals that are breaching Pubwatch and more importantly Criminal Behaviour Orders.
- 2.8 The App has also been used during the Covid-19 Pandemic to issue guidance and advice to Pubwatch members to support them in re-opening after lockdown and to re-engineer their offering in light of Tier 2 controls.
- 2.9 Overall the Newark Pubwatch is working reasonably well and it provides a useful forum.

Ollerton Pubwatch

- 2.10 The Ollerton Pubwatch is a smaller meeting than Newark as might be expected. It meets on the 2nd Tuesday of each month. The average attendance is around 10/12 local trade representatives with support from police and N&S licensing staff.
- 2.11 The attendance has been mixed over the years and is very dependent on the current cohort of DPS personnel and their commitment.

Blidworth and Rainworth

- 2.12 This Pubwatch group has been very inconsistent over the past few years and again the success of the group is very much dependent on the commitment of the local members. It restarted approximately 6 months ago. This group meets on the last Tuesday of every other month and has around 10 participants.

Southwell

- 2.13 This group has mixed history where support is very strong for a period of time but then wanes. It is currently meeting every 3 months and has around 12 representatives. The Council's licensing enforcement officer reports that this group is under performing and could be more useful.

3.0 Proposals

- 3.1 In order to support the local Pubwatch scheme it is proposed that a standing agenda is produced by the Council to provide structure to the meetings.
- 3.2 A diary of future meetings will be produced and promoted locally to the trade. Additionally the diary of meetings will be shared with the Chairman of the Licensing Committee

4.0 Financial Implications (FIN20-21/790)

- 4.1 There are no financial implications associated with this report.

5.0 Equalities implications

- 5.1 There are no equalities implications arising from this report.

6.0 Community Plan – Alignment to Objectives

6.1 ***Objective 2: Reduce crime and anti-social behaviour, and increase feelings of safety in our communities:*** Some licensed premises serving to people on PubWatch have been the source of anti-social behaviour.

7.0 Digital Implications

7.1 None from this report

8.0 RECOMMENDATIONS that Members support the local Pubwatch groups by:

- (a) the Council producing a standard agenda for the meetings; and**
- (b) Officers promoting the benefits of the Scheme locally.**

Reason for Recommendations

To support Pubwatch and make the workings of Pubwatch more effective and efficient.

Background Papers

Nil

For further information, please contact Alan Batty on extension 5467

Karen White
Director – Governance & Organisational Development

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
18 AUGUST 2020
10:00 HOURS
BROADCAST FROM
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY
*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

HEARING TO CONSIDER AN APPLICATION FOR THE GRANT OF A
PREMISES LICENCE

THE 616

SUB – COMMITTEE: Councillor R. White (Chairman)
Councillor L. Brazier
Councillor Mrs R. Crowe
Councillor Mrs K. Arnold (Reserve)

ALSO IN ATTENDANCE: Caroline O’Hare (Senior Legal Advisor - NSDC)
Nicola Kellas (Licensing Officer - NSDC)
Alan Batty (Business Manager – Public Protection - NSDC)

Prior to the commencement of the Hearing the Licensing Panel held discussions with the Senior Legal Advisor, specifically in relation to late information received from Representors. This information related to the planning status of the application building but also around rights of access, common land and rights of easement. It was therefore agreed that the Hearing be adjourned to allow Officers advising the Panel to fully understand the issue in order that appropriate advice could be given.

On opening the Hearing the appointed Chairman advise those participating that the Hearing would be adjourned to a later date and set out the reasons for that decision.

The Hearing ended at 10:10 hours

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON

21 AUGUST 2020

10:00 HOURS

BROADCAST FROM

CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

HEARING TO CONSIDER AN APPLICATION FOR THE GRANT OF A
PREMISES LICENCE

18 CASTLE GATE, NEWARK NG24 1BG

SUB – COMMITTEE: Councillor Mrs R. Crowe (Chairman)
Councillor Mrs K. Arnold (Reserve)
Councillor L. Brazier
Councillor R. White

ALSO IN ATTENDANCE: Caroline O’Hare (Senior Legal Advisor - NSDC)
Nicola Kellas (Licensing Officer - NSDC)
Alan Batty (Business Manager – Public Protection - NSDC)

Applicant: Mr. Matthew Clark

Representors: Nottinghamshire Police
- James Armstrong-Holmes
- Kate Ansty
- Daveen Brown
Environmental Health Officer (NSDC)
- Brian Beddows
Anthony Aspbury
Denis Power-Neads
Jane Williams
Mark Larter
Millgate Conservation Society
- Sue Pickles
- Christine Stevenson
Linda Reeves
Lucy Worrell

In opening proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic and that the proceedings would be livestreamed on social media e.g. YouTube.

Prior to the commencement of the Hearing, the Panel's Legal Advisor advised all parties of the key considerations for determining the application to grant the premises licence. She reminded those present that any decision must promote the four licensing objectives. She advised that any decision must be justified and proportionate to the full circumstances relevant to the application and any applied conditions, should the licence be granted, must be reasonable.

Presentation by Licensing Officer

The Licensing Officer presented to the Panel details of the application made by Corn Exchange Newark Ltd. The report before the Panel presented Members with a summary of the application. It also noted other licensed premises in the area and that representations had been received in relation to the application.

The report set out the legislation in relation to the powers that licensing authorities had to grant the premises licence, the options available to the Panel and the relevant policies and guidance.

Questions to the Licensing Officer

Mr. Power-Neads sought clarification as to why relevant comment from the Fire Authority was not included in relation to public safety. The Panel's Legal Advisor advised that whilst this could be included as part of the Panel's consideration they could not duplicate the Fire Authority's legislation and any such condition placed on the Premise Licence, should it be granted, was a matter for them. The Licensing Officer advised that the Fire Authority were a Responsible Authority and had not submitted any comments in relation to the application.

Prior to the Applicant's presentation, the Chairman acknowledged the late submissions circulated that morning just prior to the Hearing. She confirmed that they would not be considered due to there being insufficient time for the Panel to read them.

Presentation by the Applicant

The applicant, Mr. Matthew Clark, advised that whilst he owned the site he had not, to-date, ran a business from there. He provided two presentations to the Panel and those participating in the Hearing, setting out his vision and business case for how the premises would operate.

Mr. Clark stated that the application was not for a premise licence to operate a night club. The major change from previous operations was the provision of food, stating that there was nothing else like it in the town. It was a food hall type provision, transient and ever changing. He added that he would also be looking to do an online delivery service for which he would employ his own couriers. This service would also deliver alcohol, high end coffee provision and soft drinks. He commented that he had had some interest in the food concessions and that this could be a break even in terms of profit for the venture.

It was noted that the building was split over three floors with each floor offering a different experience.

The first floor was a balcony area and would offer high end refreshments together with a unique games experience being provided on the ground floor. It was hoped that this would attract customers to the venue rather than them travelling to Nottingham or Lincoln.

The basement would be a 'high energy' space with a limited number of operating hours. It would be expected of customers to be well behaved and well dressed. Mr. Clark stated that he was confident that this area could be maintained safely and without causing any issues for the Police or residents. A small external area would be provided for smokers.

It was proposed that the outdoor area consist of a Secret Gin and Herb area which would require a specific access code to gain entry. There would also be a bandstand to provide outdoor entertainment.

Mr. Clark also advised that he had carried out an online public consultation with some 600 forms completed, providing the Panel with a flavour of the responses received.

Questions to the Applicant

The Chairman queried what the hours of use of the bandstand would be. Mr. Clark advised that it was a key area for the outside of the venue but that it was likely that it would only be used during the summer months. Live music would be provided on Saturday and Sunday afternoons but flexibility was sought. Mr. Clark stated he would be happy to cease live music outside at 23:00 hours.

Councillor White queried who would get access to the Secret Gin and Herb area. Mr. Clark advised that this would be a small area with a hidden doorway e.g. in a picture frame with a hosted entry. It would trade on a Friday and Saturday and customers would be required to book in advance through an online portal.

Councillor White also queried whether Mr. Clark was proposing to set up Pastor Support. Mr. Clark advised that they were good for business and was very interested in establishing such a venture.

In noting the capacity of the basement area being 200 people, Councillor Brazier queried what plans Mr. Clark had in place to avoid all customers leaving at the same time. Mr. Clark indicated that the current licence allowed the premises to remain open until 3am. There were 3 separate entrances to the area but these were all accessed via the front door so access and egress could be easily managed. He stated that the peak time when it was anticipated that the area would be at capacity was 00:30 hours but that he believed that there would be less than 100 people in for an hour prior to leaving time. In response, Councillor Brazier commented that this was only a prediction, noting that there would likely be a large number of students at the venue. Mr. Clark advised that he had significant experience in the field and was confident of the figures, using data from other venues he managed. He added that the areas within the venue would have different closing times.

The Chairman queried as to the latest entry time proposed. Mr. Clark advised that he believed there would be in-site migration of customers but there would probably be no entry permitted after 01:30 hours but would like some degree of flexibility on this.

In relation to the proposed delivery of food and alcohol the Panel's Legal Advisor queried what controls would be put in place to stop underage drinkers ordering low cost food with a high volume of alcohol. Mr. Clark advised that the £10 minimum value of an order was as a result of a request from the Police. He stated that he would like to be able to deliver alcohol without food e.g. to a cocktail party. All necessary precautions would be taken, similar to those of a supermarket delivery. He would not carry out late-night deliveries and would also operate a Challenge 25 Scheme. The delivery driver would request sight of identification and take a photograph of what was provided. An enhanced challenge would also be operated with 2 forms of identification being requested. The driver would also be required to seize the identification if it was invalid and report the incident to the Police.

The Legal Advisor also sought clarification on how footfall to the basement area would be managed. Mr. Clark stated that it was anticipated that diners would migrate within the venue but access to the basement area was from one point only. This would mean that the diners would have to leave the premises to then gain entry to the basement from the external access.

In noting the comments in support of the venture, the Police noted that some had expressed concern about the state of the building and also with the proposed terminal hour. Mr. Clark acknowledged this to be so adding that from the 600 replied received, approximately 10-15 had expressed those concerns.

The Police noted access point to the building but that it had many exits. Mr. Clark advised that each area had its own separate fire escape exit which were all exclusive to that particular area. The Police queried whether the venue could be exited at the rear of the building. Mr. Clark stated that it was his wish that the building enhanced the area. He anticipated closing about 10.30pm with that time being dictated by the sunlight in the winter months. Exit from the area would be controlled by registered door staff.

The Police queried how the proposed delivery service would operate. Mr. Clark stated that he would have his own fleet of drivers but that this service was not a 'deal breaker'.

In relation to the stated occupancy figures, the Police commented that the premises had been closed for a number of years so they were only an estimation. Mr. Clark acknowledged that to be the case.

In relation to the proposed £400,000 Mr. Clark noted was required to refurbish the venue, the Police queried whether he considered this sufficient. Mr. Clark advised that the building was watertight and was not dilapidated. There was only little structural work required.

In noting that Mr. Clark had posted a letter to neighbouring properties late the previous night the Environmental Health Officer (EHO) stated that, if granted, the proposed 4am termination hour for the venue together with the provision of a smoking area for those customers using the basement, whether this would create noise nuisance for the nearby residents. Mr. Clark advised that there would be a presence of SIA staff whenever the basement was in use.

The EHO queried whether Mr. Clark would consider amending the hours he had applied for for the outside areas. Mr. Clark stated that he would wish to close the outside area 30 minutes before the premises closed. He added that the application was for a 04:00 hours termination throughout but would accept that the garden area not be used after 02:00 hours. The EHO queried whether Mr. Clark would consider not playing amplified music. Mr. Clark noted that regulated entertainment could be played until 23:00 hours without licence. It was noted that in the letter to his neighbours, Mr. Clark had indicated that it would only be played 4 days in any one week. Mr. Clark stated that this was an outside area and would not be utilised as frequently during the winter. The EHO also queried with Mr. Clark would be prepared to undertake some noise modelling prior to the venue opening. Mr. Clark stated that he did not wish to be a nuisance to his neighbours who resided more to the front of the venue than the rear.

Mr. Aspbury highlighted the consultation undertaken by Mr. Clark. He queried whether he considered it to be valid and met the necessary tests, given that he was relying on it for his application. The Legal Advisor advised that it was a decision for the Panel Members to consider whether the consultation was relevant to upholding the licensing objectives and that Mr. Clark had submitted the application in accordance with licensing law. Mr. Clark advised that the letter to neighbouring properties was to advise them of his contact details. He added that the digital consultation he had carried out continued to receive responses.

Mr. Aspbury noted that the door staff had no jurisdiction outside of the premises and that any issues would be the responsibility of the Police. In response Mr. Clark stated that door staff had no power of arrest either inside or outside the premises.

Mr. Power-Neads stated that he was a former member of the Fire Authority. In looking at the plans, he queried how accurate they were and whether a Fire Risk Assessor had been appointed. Mr. Clark advised that they were envisaged plans for the area drawn up by an ex-Fire Inspector but that he would be having more detailed plans drawn-up in due course.

Mr. Larter noted that the previous licence had been granted with restricted hours and queried what had changed for Mr. Clark to now believe that the venue was viable until 04:00 hours. Mr. Clark advised this it was a new and different business case and was not a nightclub. Mr. Larter commented that if some had been drinking in the establishment all day they would not be a discerning customer by the termination hour. Mr. Clark stated that this would not be permitted and again reiterated that it was a totally different proposal. He added that the proposal was for a multi-faceted venue with different areas being used for different purposes. The hours applied for were required to make the venue a viable business venture.

Presentation by Responsible Authorities

NSDC – Environmental Health Officer

The EHO commented that there was concern in relation to possible noise nuisance to neighbouring properties from amplified music as applied for and that, to-date, no noise survey had been provided. It was also of concern that the provision of late night refreshments and alcohol to the external areas of the premises would cause disturbance. In relation to the inside of the premises, he stated that he would have no concerns if the fabric of the building was effectively soundproofed to prevent noise escaping.

The EHO stated that amplified music outside was not satisfactory due to the closeness of the neighbouring properties and should terminate at 23:00 hours and that a noise survey should be submitted.

Questions to EHO

The Legal Advisor queried whether the use of a sound limiter would effectively reduce the escape of noise from the premises. The EHO advised that it was one method of mitigating this. He would expect that a qualified acoustics specialist would set the levels but he could foresee an issue if external entertainment was provided e.g. a band and they brought their own equipment and amplification. Mr. Clark advised that he would accept a condition that he have an acoustic report undertaken. He added that the outside area was for customers and not for amplified music.

The EHO stated that he did not think it appropriate for the outside area to be used past 23:00 hours unless the escape of sound was demonstrably mitigated, adding that late at night or in the early hours of the morning sound travelled more easily. Mr. Clark noted that alternative legislation to that of the Licensing Act 2003 would deal noise nuisance. The EHO advised that any resident who experienced noise nuisance should contact Newark & Sherwood District Council and this would then be investigated.

In response to whether there was any opportunity for someone who moored their barge at the nearby casual moorings to make a noise complaint the EHO advised that a noise report would be required but yes, a complaint could be made. However, it would have to be from someone who moored there frequently for it to be deemed a statutory nuisance.

Nottinghamshire Police Authority – James Armstrong-Holmes

Mr. Armstrong-Holmes stated that the Police's principle concerns were that of previous crime and disorder and public nuisance. He added that the applied for opening hours of beyond 03:00 hour would be opposed and that police resource to manage this was an issue as there was insufficient infrastructure to effectively deal with the anticipated anti-social behaviour. He suggested that there were insufficient taxis to cope with the number of people leaving the premises at the termination hour and that should anyone be arrested it would take the Police away from the area for up to one or more hours.

Questions to Police Authority

In response to a question about the number of Officers in the teams which covered the Newark town area, Mr. Armstrong-Holmes stated that the Neighbourhood Team operated from 03:00 hours onwards but did not know the number of Officers therein. The Response Team operated until 03:00 hours and had 6 Officers. Mr. Armstrong-Holmes also confirmed that these were limited resources and deployed to where senior officers deemed appropriate.

Mr. Clark commented that he had met with both the Council and the Police at the venue. The Police had indicated that it was a fresh start and that they would not be using old information in considering the application. Mr. Armstrong-Holmes stated that the Police objections were based entirely on the application and crime statistics from other premises had not been used.

In response to Mr. Clark commenting that Newark was not a small town and that it was larger by 10% than Mansfield, Mr. Armstrong-Holmes stated that it was smaller than a city. Kate Ansty of Nottinghamshire Police advised that the night time economy in Mansfield placed higher demands on Police resources. The Panel's Legal Advisor noted that there may be more Police in the Mansfield area due to crime and disorder and not because of licensing related matters.

Mr. Clark queried whether his application was at a disadvantage due to a lack of Police Officer availability after 03:00 hours. He also queried whether it would be possible to put on an extended shift to protect the public and residents and whether there was anything unique to Newark that should determine an earlier termination hour. In response Daveen Brown and Kate Ansty advised that it was due to resources and that Newark Police Station did not have a custody suite.

In response to Mr. Armstrong-Holmes comment about insufficient taxis, Mr. Clark stated that he had spoken with taxi operators who had said they would provide vehicles if there was sufficient footfall. He queried what would happen, should the licence be granted, if an incident occurred after 03:00 hours. Daveen Brown advised that resources would be sent from elsewhere and that a staggered exit from the premises would be preferred.

Presentation by Representors

Presentation by Mr. Tony Aspbury

Mr. Aspbury stated that he had lived at his property for over 40 years but for the last 20 years of that he had suffered problems because of the premises. Between 08:00 hours and 00:00 hours it was not a problem but from 00:00 hours to 04:00 hours it was. When previously opened it had attracted a 'feral' element and Mr. Aspbury believed that this would again be the case. He stated that the venue could not be separated from the clientele and that it was not about an evening economy or a café culture. If the licence was granted it would be severely detrimental to the nearby residents, adding that the Council's Town Fund Bid would also be compromised. He invited the Panel to put aside the public consultation carried out by Mr. Clark and that it be refused outright, but should it be granted that it be severely conditioned.

Questions to Mr. Aspbury

Mr. Clark acknowledged Mr. Aspbury's concerns but stated that it was a different application. He queried what the difference was between a 03:00 hours and a 04:00 hours termination hour. Mr. Aspbury stated that it would spread the behaviour. In response to how many times he had reported incidents to the Police, Mr. Aspbury advised that he had done several times and also to the premises, but that no action had been taken.

Presentation by Mr. Denis Power-Neads

Mr. Power-Neads reaffirmed his written representations adding that it was his opinion that the current fire safety report was insufficient to make the premises safe. He acknowledged that this was outside of the remit of the Licensing Act 2003.

Presentation by Mr. Mark Larter

Mr. Larter acknowledged and agreed with the comments made by Mr. Aspbury. He added that he was not against the use of the premises but he did strongly object to the hours applied for.

Presentation by Linda Reeves

Ms Reeves reaffirmed her written submission and also agreed with the comments made by Mr. Aspbury

Presentation by Millgate Conservation Society – Mrs Sue Pickles

Mrs Pickles also reaffirmed her written submission but commented that she welcomed the reuse of the building.

Presentation by Lucy Worrall

Ms Worrall spoke in support of the application. She stated that the application should not be determined by what happened previously. She added that the age demographic which she fell within welcomed the venue and would mean that they did not have to travel to enjoy a similar type of entertainment. She stated that not everyone should be tarnished with the same brush and that she believed it would be an asset to the town.

Summing Up

Nottinghamshire Police Authority

Mr. Armstrong-Holmes stated that he reiterated the earlier comments he had made and that the Police remained opposed to the granting of the licence. It was their belief that the application undermined the licensing objectives of crime and disorder and public nuisance.

Millgate Conservation Society

Mrs Pickles commented that through social media Mr. Clark had demonstrated a need/hunger for the building to be repurposed. She stated that she would be willing for that to happen but with limited opening hours but that any conditions applied would be difficult with such a multifaceted offer. She would like to see the building back in use but not the outside area after 00:00 hours.

Applicant

Mr. Clark referred to the location of the residential properties, specifically that those at the rear of the premises did not commence until after the towpath ended.

He noted that there were numerous reasons why the Panel could refuse the application but that he welcomed support to repurpose the building. The application was a new proposal and would not be viable without the hours as applied for, adding that if they could be financially viable until 03:00 hours they would not have submitted the application until 04:00 hours.

He stated that they would charge and deliver a quality product and that he would accept being conditioned about alcohol pricing. He added that he felt he had also reached a near agreement with the EHO in relation to potential noise issues.

Mr. Clark finished by stating that it was an opportune time to reopen the venue as the town was seeing other venues closing.

Decision

The decision of the Licensing Panel was to:

1. Grant the Licence but with the hours varied from that in the application (see 2 and 3 below) and with the conditions set out at 1 to 19 below applied to the licence.
2. Opening Hours and Hours of Licensable Activity as per Tables below:-

All Outdoor Activities, Including Consumption of Alcohol, to Cease at 23:00 hours		
Opening Hours for each Floor are as follows:		
• <u>Sunday to Thursday</u>		
First Floor	08:00 hours	00:00 hours
Ground Floor	08:00 hours	01:30 hours
Basement	08:00 hours	02.00 hours
• <u>Friday & Saturday</u>		
First Floor –	08:00 hours	01:00 hours
Ground Floor	08:00 hours	02:30 hours
Basement – 03:30 hours	08:00 hours	03.30 hours

3. Licensable activities shall be permitted on site at the following times:

Activity	Proposed Timings
<p>Plays (indoors)</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY</p> <p>08:00 to 23:00-any day of the week but a maximum of 4 days per week.</p>
<p>Films (indoors)</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY</p> <p>08:00 to 23:00 any day of the week but a maximum of 4 days per week</p>
<p>Live Music indoors</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY (a) maximum of 4 days per week. However, this cannot be taken to include 4 hours of music from 21:00hrs - 00:00 equal to day 1 per week and continuing 00:00 – 04:00hours the following consecutive day. EG Saturday 21:00-00:00continuing to Sunday 04:00 would not be acceptable. This would apply to any 2 consecutive days.</p> <p>8:00 to 23:00 any day of the week but a maximum of 4 days per week and the condition (a) above re continuing over consecutive days applies.</p>
<p>Recorded Music (indoors)</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY</p> <p>8:00 to 23:00 any day of the week but a maximum of 4 days per week and the condition (a) above re continuing over consecutive days applies.</p>
<p>Performance of dance (indoors)</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY</p> <p>8:00 to 23:00 any day of the week but a maximum of 4 days per week and the condition (a) above re continuing over consecutive days applies.</p>
<p>Anything of a similar description (indoors)</p> <p>Outdoors</p>	<p>08:00 to 00:30 HOURS – SUNDAY TO THURSDAY 08:00 to 02:45 HOURS – FRIDAY & SATURDAY</p> <p>8:00 to 23:00 any day of the week but a maximum of 4 days per week and the condition (a) above re continuing over consecutive days applies.</p>
<p>Late night refreshment (indoors)</p> <p>Outdoors</p>	<p>08:00 to 02:00 HOURS – SUNDAY TO THURSDAY 08:00 to 03:30 HOURS – FRIDAY & SATURDAY</p> <p>8:00 to 23:00 any day of the week but a maximum of 4 days per week and the condition (a) above re continuing over consecutive days applies.</p>

Supply of alcohol (both on premises and off premises)	08:00 to 01:30 HOURS – SUNDAY TO THURSDAY 08:00 to 03:00 HOURS – FRIDAY & SATURDAY
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4. The mandatory conditions, which apply to licences granted under the Licensing Act 2003 and set out at Annex 1 of the committee report, shall apply to the licence.
5. The conditions specified in the applicants operating schedule set out at Annex 2 of the committee report shall apply to the licence; save for the amendments highlighted in bold at Annex 2 of this letter. These are attached at the end of this letter for ease of reference
6. There shall be no activities in the outside area to the rear of the premises including the bandstand area after 23:30 each day.
7. No food or drinks to be taken outside into the smoking area after 11pm
8. The smoking area is to be closed/no entry permitted to it 20 minutes before closure of the basement floor of the premises
9. Before the premises may open to the public, the Applicant shall commission and undertake a full sound survey and consult on noise limitation options available. Such survey results will be sent to Newark & Sherwood District Council prior to the venue being open to the public. The Applicant shall co-operate with the relevant Environmental Health Officers of the Council to ensure noise nuisance is not created by the premises.
10. Before the premises may open to the public, the Applicant shall commission and have undertaken a Fire Risk Assessment for all areas of the premises including the bandstand and rear outdoor area. The results of this assessment will be sent to Newark & Sherwood District Council prior to the venue opening to the public.
11. The appropriate capacity for patrons is to be established by the Fire Risk Assessment and then the Applicant will ensure that at all times this capacity per floor and in the total venue is not exceeded at any time.
12. No off sales of alcohol can be made unless a food order of a minimum of £10.00 is made at the same time and ordered by the same person to the same address.
13. No open or decanted containers of alcohol may be carried in a delivery vehicle nor provided to customers on any delivery
14. Any off sales deliveries including sale of alcohol must be delivered to a named person by way of delivery to a residential or commercial/business address and not to any open public place such as a park, street or wharf.

15. On delivery of any off sales of alcohol; the ID of the person accepting the delivery will be checked and confirmed they are over 18 years of age.
16. Minimum pricing to be set currently at sale of a single spirit not below £2.50 and any pint of beer, lager, cask or bottled ales, cider or perry etc not below £3.00. The Licence holder should review this rate annually and increase the minimum pricing to ensure it remains at a consistent rate above the regulated mandatory minimum pricing levels for sale of alcohol.
17. All smokers should be directed to use the designated smoking area and patrons should not be permitted to smoke outside the front of the premises.
18. No open drinks, bottles or cans to be taken from the premises by patrons or drunk outside at the front of the premises
19. The gate/access to and from the towpath to the venue to be monitored to ensure customer safety and venue capacity is not exceeded. The gate to and from the towpath to the venue to be closed either at 11pm or sundown whichever is earliest.

Recommendations but not Conditions on the Licence:

Members of the Licensing Panel would like the Applicant to ensure that:

- Appropriate signage is included in the smoking area to the effect of reminding patrons to be respectful of neighbouring homes and to keep noise to a minimum whilst in the area.
- Membership of Pubwatch is taken up by the Applicant/ Director of the business.

Meeting closed at 3.28 pm.

Chairman

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
24 SEPTEMBER 2020
10:00 HOURS

BROADCAST FROM
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY
*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

HEARING TO CONSIDER AN APPLICATION FOR THE VARIATION
OF A PREMISES LICENCE

SWAN & SALMON, 34 CASTLE GATE, NEWARK NG24 1BG

SUB – COMMITTEE: Councillor I. Walker (Chairman)
Councillor Mrs S. Saddington
Councillor Mrs Y. Woodhead

ALSO IN ATTENDANCE: Caroline O'Hare (Senior Legal Advisor - NSDC)
Nicola Kellas (Licensing Officer - NSDC)
Alan Batty (Business Manager – Public Protection - NSDC)

Applicant: T.J. Inns (Mr. Tony Hall)

Representors: None in Attendance

In opening proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic. A recording of the proceedings would be taken and published at a later date.

Prior to the commencement of the Hearing, the Panel's Legal Advisor advised all parties of the key considerations for determining the application to vary the premises licence and reminded those present that any decision must promote the four licensing objectives. She advised that any decision must be justified and proportionate to the full circumstances relevant to the application and any applied conditions, should the application to vary be agreed, must be reasonable.

Presentation by Licensing Officer

The Senior Licensing Officer presented to the Panel details of the application made by T.J. Inns. The report before the Panel presented Members with a summary of the application and noted that representations had been received in relation to the application. The report also included legislation in relation to the powers that licensing authorities had to vary a premise licence, the options available to the Panel and the relevant policies and guidance.

Presentation by Applicant

Mr. Hall advised the Panel that the application had been submitted to permit the outside area to be used for live and recorded music and also for the supply of alcohol, both on and off the premises. The application had been subsequently amended following receipt of the Notice of Hearing with the termination hours being drawn back to an earlier time.

Mr. Hall advised that he would not run the establishment as a late night venue, as previously, but more as a riverside pub.

Questions to the Applicant

Councillor Mrs Saddington sought confirmation from Mr. Hall that in order for residents not to be disturbed he would cease live music outside at 22:00 hours. She also queried what safety measures would be put in place in relation to access to the river and what type of glass vessels would be used for outside drinking. In response, Mr. Hall advised he did not intend to have any music externally after 22:00 hours and that it was his intention to use glass vessels. He stated that SIA registered door staff would be present in the evenings and they would monitor access to the tow path. He expressed his own concerns about this but was unable to comment further as he was not yet operating from the premises. He noted that it was his understanding that the Fire Officer had refused permission for a barrier to be erected. The Panel's Legal Advisor noted the safety concerns raised by Councillor Saddington but stated that the licensing objective of 'Protection of Children from Harm' was not applicable in this instance, adding that it was not Mr. Hall's responsibility to ensure that parents of children looked after them in a responsible manner whilst on his premises.

The Panel's Legal Advisor queried as to the occupancy capacity of the external area. Mr. Hall confirmed that this was set at a maximum of 30 people. In response to whether it was his intention to provide off-sales, Mr. Hall confirmed that the application was to allow him to provide alcohol to a customer should they wish to carry it off the premises.

Applicant's Closing Submission

Mr. Hall advised that he wished to change the venue from the previous one of a late night venue to a little pub by the river. He stated that he had a decibel reader which he would use and that he believed he would be a responsible licensee.

The Legal Advisor advised those present that three representations had been received in relation to the application and that they had been included in the Panel's paperwork and considered during the hearing.

Decision

The decision of the Licensing Hearing Panel was to grant the variation with conditions applied as below:

1. The Mandatory Conditions which apply to licences granted under the Licensing Act 2003 shall apply to the licence.

2. The Conditions agreed by the Applicant and Nottinghamshire Police (as set out in the papers before the committee) shall apply to the licence.
3. The hours for activities shall be those as set out in paragraph 2.4 of the report in that they are as below:

Activity	Timings
Live music (outdoors)	19:00-22:00 Sunday to Friday 16:00-22:00 Saturday
Recorded music (outdoors)	11:00-22:00 Monday to Thursday 11:00-22:00 Friday 09:00-22:00 Saturday 09:00-22:00 Sunday
Supply of Alcohol (both on premises and off premises) * see condition 4 below	11:00-23:00 Monday to Thursday 11:00-24:00 Friday to Saturday 12:00-22.30 Sunday

4. Sales of alcohol to be taken or drunk off premises are permitted only to a customer who has been in the venue the same day as the off sale is requested and is limited to 2 bottles or cans of beer/cider or similar type of beverage and 1 bottle of wine, prosecco, champagne or similar type of beverage per customer.
5. Noise levels shall be monitored at the boundary of the premises every 90 minutes whilst regulated entertainment takes place to ensure that no vibration or noise nuisance is caused to any residential premises or at least twice during a live performance if less than 90 minutes.
6. The results of all monitoring shall be recorded in either a bound and sequentially paginated book or as an electronic record, which shall be kept at the premises and be available at all times for inspection by an authorised officer of the council or Police Officer. A record of all actions taken as a result of the monitoring shall also be kept.

Meeting closed at 10.25 am.

Chairman

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF LICENSING REVIEW HEARING HELD ON
29 OCTOBER 2020

10:00 HOURS

BROADCAST FROM

CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

HEARING TO CONSIDER AN APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE IN RESPECT OF:

BRAMLEY APPLE, 51 CHURCH STREET, SOUTHWELL NG25 0HQ

SUB-COMMITTEE: Councillor Mrs R. Crowe (Chairman)
Councillor I. Walker
Councillor Mrs Y. Woodhead
Councillor Mrs K. Arnold (Reserve)

ALSO IN: Caroline O'Hare (Senior Legal Advisor – NSDC)
ATTENDANCE: Nicola Kellas (Senior Licensing Officer – NSDC)
Tony Dennis (Licensing Enforcement Officer – NSDC)

Applicant: Jill Morris
Review Supporters: Kate Cronin
Councillor Mrs P. Rainbow
Review Objectors: Jonathan Rice (Manager at Bramley Apple)
Helen Teasdale and Richard Scragg (Premise
Licence Holders)

In opening the proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic and that the proceedings would be livestreamed on social media e.g. YouTube.

Prior to the commencement of the Hearing, the Panel's Legal Advisor advised all parties of the key considerations for determining the application to review the premises licence. She reminded those present that any decision must promote the four licensing objectives. She advised that any decision must be justified and proportionate to the full circumstances relevant to the application and any applied conditions must be reasonable.

Presentation by Licensing Officer

The Licensing Officer presented to the Panel details of the application made to Review the Premise Licence in respect of the Bramley Apple, 51 Church Street, Southwell NG25 0HQ. The report before the Panel presented a summary of the application. It also noted other licensed premises in the area and the representations that had been received in relation to the application, both in support and against the review.

The report set out the legislation in relation to the powers that licensing authorities had to review a premises licence, the options available to the Panel and the relevant policies and guidance.

There were no questions raised in relation to the content of the Licensing Officer's report.

Presentation by the Applicant – Jill Morris

Ms Morris advised that the purpose of application to review the premise licence was to request that the current hours be modified to more acceptable times for a premise in a residential area such as the Bramley Apple. She stated that in doing so would avoid the issues that plague the premises and requested that the Panel consider modifying the hours to the following closing hours: Sunday to Thursday – 23:00 hours; Friday and Saturday – 23:30 hours, adding that she considered these to be reasonable. She stated that the current late hours acted as a 'magnet' for late night drinkers as they were the only premise in the area that had such late hours.

Ms Morris acknowledged that the Manager, Mr. Rice, was unable to control the behaviour of the customers who congregated outside despite his best efforts. She added that she lived at the rear of the premises and was less affected by the disturbance caused by customers than those residents who lived at the front of the premise. She added that there had been a number of issues caused by the premise but the application to review was based on the current situation. Ms Morris did, however, suggest that the introduction of a designated smoking area at the rear of the premise would perhaps assist with noise disturbance at the front.

Questions to the Applicant

In considering the papers for the Hearing, the Chairman noted the meeting which had taken place between local residents and the Bramley Apple when discussions had been held as to what measures could be put in place in an attempt to alleviate some of the issues experienced by local residents. Ms Morris confirmed that she had been in attendance at the meeting.

The Chairman queried what had been the suggested hours that the premise may introduce. Ms Morris advised that the suggested hours had frequently changed during the meeting and it had been difficult to know what had been agreed. She added that despite the meeting the disturbances had continued which had led her to seek advice on how to submit an application to review a premise licence.

Councillor Mrs Woodhead queried where Ms Morris suggested that the aforementioned smoking area should be located, given that there was limited space at the premise. Ms Morris suggested there was sufficient space for it to be located either at the front or garden area at the rear of the premises.

Ms Teasdale suggested that locating such an area at either the front or rear of the premise would cause potential annoyance to someone. Ms Morris stated that she had assumed there was already provision at the front of the premises as ashtrays were provided, adding though that it would be more logical to site a smoking area at the rear at a set distance from the premise.

Presentation by Review Supporters

Kate Cronin

Ms Cronin advised that both herself and Ms Morris were representing local residents affected by the Bramley Apple. She stated that there had been groups of people congregating outside the front of the premises between the 23:00 and 02:00 hours who were shouting and swearing etc. causing residents being unable to sleep. She also highlighted issues associated with vehicle noise and drunken behaviour stating that this was unreasonable in a residential area. Both the elderly and children would likely wish to retire after 21:00 hours, adding that Mr. Tony Dennis, the Licensing Enforcement Officer (LEO), was aware of the concerns.

Ms Cronin stated that the late hours on the premise licence were the reason for the issues. She noted that a large proportion of the income for the premise arose from wet sales, suggesting it was a light-night premise for the purpose of drinking. The customers were not well managed or well behaved and the noise nuisance was constant. Ms Cronin reiterated the comments of Ms Morris in that despite the best efforts of Mr. Rice this remained unchanged and had remained an issue since the late hours were granted.

Questions to Ms Cronin

The Legal Advisor queried whether the issues with alleged noise nuisance had been worse in the past or whether this had deteriorated in recent months. Ms Cronin advised that following the lifting of the Covid-19 national lockdown on 4 July the situation had been bad through from then through to September.

Councillor Mrs Penny Rainbow (Local District Ward Member)

Councillor Mrs Rainbow advised that she had spoken with a number of residents. She had been supplied with diary sheets detailing incidents of disturbance and had also received updates from Mr. Tony Dennis. She stated that the late hours on the licence had contributed to the situation, and that people when to the premise after other establishments in the area had closed.

Councillor Mrs Rainbow commented that it was unfair that residents and neighbours of the premise had to endure the level of disturbance, adding that she hoped that the Panel would give consideration to reducing the hours of the premise licence.

Questions to Councillor Mrs Rainbow

In noting that the premise had been a pub for many years, Councillor Mrs Woodhead queried whether it had always been a problem. Councillor Mrs Rainbow advised that she had been involved with residents and their concerns since she became a district councillor some 5 years previously.

Mr. Rice queried whether the issues Councillor Mrs Rainbow referred to had been about the Church Street area or specifically the Bramley Apple. Councillor Mrs Rainbow confirmed that the discussions she had held had been about customers who frequently the Bramley Apple.

Mr. Rice also queried whether there had been any call outs about other premises on Church Street. Councillor Mrs Rainbow advised that she was not able to answer that as she did not know.

Presentation by Review Objectors

Jonathan Rice (Manager of Bramley Apple)

Mr. Rice advised that it had been his understanding that following the aforementioned meeting in August with residents there was to have been a four week period to see if the agreed measures would improve the situation and that he was unsure as to why this had not happened.

He stated that the Police had only been called to the premise on one occasion and that he himself had requested their presence to disperse people on the street, not customers of the Bramley Apple. He also noted that he had been in contact with Tony Dennis to discuss the issues.

Mr. Rice referred to the membership card scheme they had introduced. This prevented customers from entering the premises unless they had a card. He noted that customers had congregated at the premise attempting to gain entry but that Bramley Apple employees had attempted to disperse them.

In relation to the issues with parking mentioned in the hearing paperwork, Mr. Rice advised that parking on the whole of Church Street was problematic. Efforts were made to prevent cars parking on the double yellow lines at the front of the premise but ultimately it was the Council's responsibility to enforce parking regulations.

In an attempt to address issues raised both verbally and in the paperwork, Mr. Rice advised that he was working with Tony Dennis in an attempt to resolve the issues. He added that Church Street was a magnet for other licensed premises too and stated that the premise was Covid-19 compliant.

In relation to the images circulated of people outside the front of the premises he stated that they could be bed and breakfast guests who were staying at the premise.

In noting the historic nature of some of the complaints he advised that these had occurred prior to himself and the current Designated Premise Supervisor (DPS), Mr. James Kemp, being employed at the Bramley Apple.

Mr. Rice acknowledged the comments of Ms Morris in relation to the designated smoking area, agreeing that such an area should be established.

Questions to Mr. Rice

The Chairman queried whether any Council Parking Enforcement Officers assisted with the issues of on-street parking on Church Street. Mr. Rice advised that they did not. He had reported the issues to the Police who had repeatedly advised that it was the Council's responsibility.

Councillor Mrs Woodhead acknowledged Mr. Rice's comments but added that they appeared to refute all the written complaints. Mr. Rice stated that all premises had some issues, adding that there were other people and licensed premises on Church Street.

The Legal Advisor queried what hours Mr. Rice thought had been agreed at the meeting held in August. Mr. Rice advised that the residents had wanted the terminal hour to be 23:00 hours each night but that he had said 23:00 hours in the week and 00:00 hours at the weekend.

In relation to the membership scheme, the Legal Advisor queried whether it attracted people to the premise attempting to gain entry regardless of whether they were in the scheme or not. Mr. Rice advised that the scheme was limited to staff from other licensed premises, care home staff and a small number of well-behaved customers. Membership of the scheme was offered to them by the Bramley Apple and could not be applied for and the door to the premise was locked at 22:30 hours. Implementation of the scheme had been posted on social media. He added that the behaviour of the card holders had been exemplary. This had initially caused people to try to gain entry but they had been moved on.

The Licensing Officer queried what measures had been put in place to avoid membership cards being passed to another person. Mr. Rice confirmed that they had been issued to people who were known personally to them and if they chose to hand them to someone else, they would have their membership revoked. He also confirmed that the scheme was limited to 30 people but that it had not been properly implemented due to the application to review the premise licence.

Ms Cronin referred to the 15 incidents recorded and submitted as part of her evidence stating that it was her belief that CCTV for all of those had not been viewed but that some could not be refuted. Mr. Rice confirmed that he had not withheld any CCTV footage from being viewed by Mr. Dennis. He added that the photographs submitted were a split second in time and agreed they did not look good.

Mr. Scragg queried whether it would be possible to install some sort of barrier at the front of the premises to prevent people congregating. Mr. Rice advised that there were already signs up but that he would talk to Mr. Scragg outside of the meeting in this regard.

Helen Teasdale (Premise Licence Holder)

Ms Teasdale commenced by stating that she endorsed the previous comments of Mr. Rice. She advised that all the licensed premises on Church Street had standard hours but it was just the Bramley Apple that were choosing to use them, adding that it was the behaviour of customers and not necessarily the hours that was the real issue. She stated that since the introduction of CCTV at the premises the situation had improved and that there were witness statement to back that up.

It was stated that the premise had been a licensed premise since 1913 and provided people with a place to socialise with Ms Teasdale acknowledging that there needed to be a balance between the lateness of the licensed hours and potential disturbance. She noted that Ms Morris did not frequent the establishment and that this may be, in part, why it caused her a disturbance.

Ms Teasdale stated that the Manager and the DPS were attempting to work with the community and that the intended trial period of new measures agreed at the August meeting had not been given a chance as the review application had been submitted 5 days later. She added that she would wish to see the results of a proper trial and whether the membership card scheme would be effective, noting that the Covid-19 Pandemic had affected all such plans. In noting the imminent introduction of Tier 3 local lockdown measures Ms Teasdale suggested that any review be postponed until normal hours were resumed.

Questions to Ms Teasdale

Ms Morris queried what Ms Teasdale had based her comments on in relation to her frequency at the premise and her tolerance to noise. Ms Teasdale advised that she had taken it from the comments of Mr. Rice in that Ms Morris did not go into the premises adding that a person's bedtime would have a bearing on their tolerance to noise disturbance. Ms Morris advised that she had previously frequented the premise when it had been more of a community venue and that regardless of when she retired she would wish to sleep well.

Ms Cronin queried whether Ms Teasdale knew the reasons as to why the application to review had been submitted only 5 days after the August meeting and how she could state that the customers were well behaved when she did not live close to the premise. Ms Teasdale advised that she was not aware of the reasons for the submission and that it was the DPS's goal to ensure good behaviour by customers. She also agreed that the congregation of noisy groups outside the premise was not reasonable.

Mr. Rice acknowledged the licensing experience of Ms Teasdale and asked her to rate both himself and the DPS in comparison to previous employees. Ms Teasdale advised that she considered them to be proactive and imaginative e.g. introduction of the membership card scheme. They were happy to admit when issues had arisen and worked to resolve them. She acknowledged that they should be rightly proud of the work undertaken to ensure that the premises were covid-19 compliant.

At this point in the meeting, the Chairman asked that Mr. Tony Dennis (LEO), address those present to give some background to his involvement with the premise.

Tony Dennis (LEO)

Mr. Dennis advised that he had dealt with numerous issues over the years and that there had been a succession of Managers and DPSs. There had been some 9 complaints in 2018 and he had held a meeting with them in 2019 when measures had been put in place to mitigate these. This had resulted in an improvement to the situation. The national lockdown due to the Covid-19 Pandemic had resulted in the premise being closed with it re-opening in July 2020. He had attended the meeting in August between the Bramley Apple and residents. He stated that he was impressed with the current DPS and the Manager and that they had installed CCTV at the premise. He also acknowledged that he worked with the Police, the pub and the community.

Questions to Mr. Dennis

Councillor Mrs Woodhead queried whether Mr. Dennis considered the premise to be improved from previous years and whether he agreed with late night drinking at any establishment. Mr. Dennis stated that the DPS and Manager had good intentions and that he believed they should have been given the opportunity for the membership card scheme to work. He added that it was his personal opinion that the hours on the premise licence were too late for its location in a residential area.

Ms Cronin queried whether Mr. Dennis had viewed the CCTV in relation to all the entries on her submitted evidence. Mr. Dennis confirmed he had viewed what he could.

Summing Up

Jill Morris

Ms Morris advised that during the forced closing hour of 22:00 hours due to Covid-19 regulations there had been no incidents of nuisance and therefore it could be taken that the late hours on the premise licence created the problems. She stated that a termination hour of 23:00 and 23:30 hours were reasonable and would permit everyone to have a reasonable life. She also commented that it was difficult to believe that all members of the car scheme were care workers.

Kate Cronin

Ms Cronin stated that all supporters of the review would wish to see the hours reduced to 23:00 and 23:30 hours. She added that she had witnessed issues at the Bramley Apple and not at other premises in the area. She clarified that the review application had been submitted when it had because there had been a discrepancy with the hours agreed at the August meeting. She again reiterated that Mr. Rice worked hard to resolve the issues but that young people and drinking at the premise were not controlled.

Councillor Mrs Penny Rainbow

Councillor Mrs Rainbow stated that she had listened to all the verbal submissions and had read the paperwork for the meeting but would still request the Panel to consider reducing the hours on the Premise Licence for the benefit of local residents.

Jonathan Rice

Mr. Rice stated that he wished they had been given the opportunity to carry out the agreed measures from the August meeting as he believed they would have resulted in improvements. He clarified that it was not only care workers who were part of the membership scheme but also employees of other licensed premises. He added that guests of the premise also liked to have a drink in the bar.

Helen Teasdale

Ms Teasdale agreed with the comments of Mr. Rice adding that she would have liked to see the results of the trial prior to the review. She stated that a lot of the issues raised were historic and had nothing to do with the current Manager and DPS. She finished by stating that if the hours were reduced, the other licensed premises on Church Street may well begin to utilise their later hours to take the custom.

Richard Scragg

Mr. Scragg stated that the Bramley Apple did not wish to create issues for local residents. There was now a good team at the premise and he requested that they be given a chance to improve the situation.

Decision

The Decision of the Panel was to add the following conditions to the Premise Licence:

1. No drinks to be taken outside at the front of the premises after 19:00 hours any day of the week.
2. Appropriate signage to be displayed at exits to the premises reminding customers to be considerate of neighbouring residents and to ensure noise levels are kept to a minimum - other alternative wording of the same meaning was acceptable.

The licensing hours remain the same as in the current Premise Licence.

The Panel also made the following recommendations/comments:

- A. The licence holder and management of the premises are reminded that all conditions set out in Appendices 1, 2 and 3 of the Agenda pack applied.
- B. Particular emphasis was placed on reminding the licence holder and management of the premises of condition Annex 3; 4 – The consumption of alcohol in beer gardens or outside areas shall cease at 23:00. This applies to the rear and back garden of the premises as no drinks shall be permitted outside at the front of the premises after 19:00 hours (see 1 above)
- C. The licence holder and management of the premises have indicated that after 22:30 hours each day no customers save for “members” are permitted entry to the premises and last entry for members is 23:00. This is taken by members as a show of “good faith” by the licence holder and management of the premises and although is not enforceable in terms of the licence, is one of the ways they can work with local residents to prevent further issues.
- D. The suggestion of a designated smoking area at the rear of the premises was raised at the meeting. Whilst this was not a compulsory feature to have, it did seem a proposal that the premises were keen to explore and which could solve issues of people gathering outside at the front of the premise causing noise nuisance.

The reasons for the Panel's decision are listed as below:

On the evidence, the Panel found that:

- a) The Licence holder and current manager were clear in their determination and desire to work with residents and to resolve issues that arose.
- b) The panel considered that their idea of limited opening to members and known guests for late night hours was acceptable. Care would need to be taken where the pub had "non-members in" before 22:30 hours as they could remain into members only time and not be asked to leave. The Panel said it was essential this be managed properly.
- c) The conditions imposed by the Panel supported the licensing objectives and should go far enough to reduce issues of noise from the later operating hours of the premises.
- d) The Panel had made recommendations which it felt would also help the Premises Licence holders and Manager to allow the premises to operate and minimise the disturbance to others.
- e) Whilst there had been issues in the past, the Premise Licence holders and management had tried to agree appropriate terms in August 2020 at a meeting and had also taken steps to try to prevent nuisance occurring.
- f) Many issues relating to noise may be dealt with via the Council's Environmental Health Team.
- g) The frustration and anger of the residents was acknowledged and that there had been incidents in recent months where patrons had disturbed their rest or sleep. The Panel did not minimise the impact this would have had on them.
- h) The Panel felt confident that the new management team, the members only scheme for later hours plus CCTV had improved the situation until recently and that further improvement was possible.
- i) The current management team should be given the chance to prove that they were serious and committed to running the pub without allowing patrons to cause nuisance and disturb residents.

Meeting closed at 12.50 pm.

LICENSING COMMITTEE
12 NOVEMBER 2020

UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

1.1 To inform Committee of the activity and performance of the Licensing Team between 1 July and 30 September 2020 inclusive and to provide Members with details of current going enforcement issues.

2.0 Background

2.1 This report covers the period from 1 July and 30 September 2020 inclusive and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Activity Report for 1 July to 30 September 2020

Application Type	Number Received	Number Issued	Number Refused	Comments
Personal Licence	12	12		
Vary the Designated Premise Supervisor	17	17		
Transfer of Premise Licence	4	4		
Minor Variation	0	0		
Variation to Premise Licence	2	1		1 PENDING HEARING
New Premise licence	7	7		
Change of Premise Name	0	0		
Notification of Interest	0	0		
Temporary Event Notices	23	23		

2.2 By way of comparison, the number of Temporary Event Notices received for the same period last year was 113.

Enforcement Activity

2.3 Ongoing Enforcement Activity 1 July to 30 September 2020

Location	Summary of Complaint/Reason for Visit	Date Case Opened	Action Taken So Far
Newark Cue Club, 41A Carter Gate, NG24 1UA	Report that the club was open despite Covid regulations not allowing it to be and that Police were called to a party on 1 July.	03/07/2020	LEO contacted the owner, who denied that the club had been open apart than for building work. LEO also contacted Police, who confirmed that they did attend but found no offences.

Saracens Head Hotel, Market Place, Southwell, NG25 0HE	A council visit found that the premises were not taking track and trace details.	08/07/2020	LEO visited and saw a track and trace book, advised them to tell staff to make sure this was used for all customers. All other Covid safety measures appeared to be in place.
Old Reindeer, Main Street, Edingley, NG22 8BE	Complaint of increased noise from the pub.	17/07/2020	LEO spoke to DPS, who said that this was a one-off event (birthday party for a family member) and has no intention of having regular music events at the premises. The complainant was satisfied with this response as there have been no further issues.
Black Swan, High Street, Edwinstowe, NG21 9QR	Noise from the pub and car park till late at night, including shouting, swearing and revving motorbikes and no social distancing	20/07/2020	LEO monitored noise and behaviour over a number of weeks and observed loud groups of people outside and no intervention from pub staff. LEO met with the DPS, brewery director and Police to discuss the issues and agreed an action plan. Further complaints were received. The premises was visited as part of a night of action and the same issues were observed. An improvement notice was served in conjunction with EH. This was found to have been complied with 16/10/2020. Since the 10pm closing time came in there have been no further complaints.
Bramley Apple, 51 Church Street, Southwell, NG25 0HQ	Noise issues from people outside/leaving the pub	22/07/2020	A meeting was arranged with the pub and residents. A plan was agreed for a trial period, however in the meantime an application to review the licence was submitted, which was heard on 29/10/2020
Turquoise Teapot, 108 Bowbridge Road, Newark, NG24 4BZ	Excessive noise till 10/11pm	27/07/2020	LEO spoke to the DPS who assured him that this would not happen again. No further complaints and the business has now closed.
Madisons, 37-39 Carter Gate, Newark, NG24 1UA	Music till 3am	31/07/2020	LEO spoke with Police, who are heavily involved with this premises due to some serious incidents. A review application has been submitted by the Police and is due to be heard in November. No action was taken in regards to this specific complaint.

Waggon And Horses, The Turnpike, Halam, NG22 8AE	Report that the field behind the pub car park was being used as an overspill area and that customers are being noisy	03/08/2020	LEO spoke to DPS who informed him that they use a courtyard area at the rear of the pub for outside eating and drinking. Advice was given regarding keeping noise to an acceptable level.
Turquoise Teapot, 108 Bowbridge Road, Newark, NG24 4BZ	Report of no social distancing and not taking track and trace details	07/08/2020	LEO visited and gave strong advice about social distancing, track and trace. Owners stated that they do take track and trace details and regularly remind customers of the need to social distance. The business has now closed.
Sir John Arderne, 10 Market Place, Newark, NG24 1DU	The premises provides slips of paper for track and trace but report of many customers not filling them in.	07/08/2020	LEO visited and asked the manager to brief all staff and to treat track and trace as a priority. LEO visited at a later date and found that staff were still not getting customers to complete track and trace forms. The manager said they would put a member of staff on the door to ensure it was done. LEO has since visited 3 more times and found all in order.
Turquoise Teapot, 108 Bowbridge Road, Newark, NG24 4BZ	Complaint of loud music	10/08/2020	LEO visited and strongly advised them in relation to music levels and social distancing. The business has now closed.
White Hart, Market Place, Ollerton, NG22 9AD	Report of no Covid safety measures in place	10/08/2020	LEO visited and found no track and trace system in place. A letter was sent to the brewery informing them of this. LEO later revisited and saw that a track and trace system was now in place.
Muskham Ferry, Ferry Lane, North Muskham, NG23 6HB	Complaint that the track and trace forms are on display, personal data not being kept secure and also that customers are not being asked to fill out details.	10/08/2020	LEO visited and advised the DPS to change to slips of paper which can be kept in a box when filled out and to remind customers to complete these.
Ye Olde Bridge Inn, Nottingham Road, Oxtun, NG25 0SE	Report of track and trace details not being taken.	10/08/2020	LEO visited the DPS who explained that walk-in customers are usually asked for their details when they pay the bill. He agreed to put up signs to remind customers of the need to do this.

The Wheatsheaf, Slaughterhouse Lane, Newark, NG24 1ER	Complaint of loud noise on most evenings.	11/08/2020	LEO visited the DPS who states that no music is being played outside and that she will try to manage noisy customers outside. LEO made house to house enqs and no other residents had a complaint. LEO then met with the brewery and the complainant separately. No further issues reported.
Old Malt Shovel, 25 North Gate, Newark, NG24 1HD	Follow up visit needed after council officers visited and found the DPS in drink and a large wedding party in attendance.	11/08/2020	Visited the premises and found it to be well managed by the manager.
Old Kings Arms, 19 Kirk Gate, Newark On Trent, NG24 1AD	Follow up visit needed after council officers visited and advised about risk assessment and social distancing measures.	11/08/2020	LEO visited and saw the risk assessment and good track and trace system. Advised to put markers on floor to better enable social distancing at the bar.
The Plough, Main Street, Coddington, Newark, NG24 2PN	Report of no Covid safety measures	11/08/2020	LEO visited and observed proper Covid safety measures.
Riverside, North End, Farndon, NG24 3SX	Report of 130 booked in to the pub on one day and no social distancing	12/08/2020	LEO visited and saw a good track and trace system. DPS was strongly advised to remind customers about social distancing.
Farndon Ferry, North End, Farndon, NG24 3SX	Report of not taking track and trace details	12/08/2020	LEO visited and saw that the venue is now placing track and trace forms on every table, which seems to be working.
Tawny Owl, William Hall Way, Fernwood, NG24 3NG	Report of not taking track and trace details	14/08/2020	LEO visited and found that only the government app was being used for track and trace, which some people will not be able to use. On revisit, LEO found that each customer is now greeted on the door and details recorded on a tablet.
Southwell Rugby Club, Park Lane, Southwell, NG25 0QN	Report of no social distancing or Covid safety measures.	17/08/2020	LEO visited and saw that Covid safety measures were in place.
White Hart, 5 White Hart Yard, Newark, NG24 1DX	Complaint that at weekends the pub gets too crowded for social distancing to take place.	28/08/2020	Complainant could not be contacted. LEO contacted the DPS who said that there was an incident where a member of the public complained about a group of men around a table and said that they would complain to the

			council, however the DPS did not get chance to explain that they were part of the same bubble. LEO was happy with this explanation.
Bridge and Bay Leaf, Gunthorpe, NG14 7FB	Complaint that the premises were taking group bookings and not adhering to social distancing.	28/08/2020	LEO visited and spoke to DPS on phone. They seem to have good social distancing and track and trace in place. Advised to increase toilet cleans but other than that all in order.
Chesters, Main Street, Balderton, NG24 3LL	Complaint of loud music from live band and fire safety risk from the gate to car park being blocked.	01/09/2020	LEO visited and was assured by the DPS that the loud music was from a one off event and will not happen again. LEO found 2 other exits for the car park, so no fire safety issues.
Turquoise Teapot, 108 Bowbridge Road, Newark, NG24 4BZ	Complaint of loud music.	01/09/2020	LEO conducted house to house enqs and found one other resident who was affected by the noise. LEO visited the DPS, who denied that they play loud music but said he would monitor the noise levels. The business has now closed.
The Plough, Main Street, Coddington, Newark, NG24 2PN	Complaint of loud singing and music in garden.	02/09/2020	LEO spoke to the DPS who advised that a TEN was in place for the event in question, and no further events planned. LEO advised that noise must be kept at a reasonable level.
Madisons, 37-39 Carter Gate, Newark, NG24 1UA	Concerns over social distancing.	09/09/2020	Police were aware of this as part of their review application.
Alders, Worksop Road, Ollerton, NG22 9DR	Report of not taking track and trace details.	15/09/2020	LEO spoke to the assistant manager who stated that they were treating track and trace seriously and had started to use a new system in which every customer's details were recorded on an iPad when they entered.
Jolly Roger Club, Forest Road, Ollerton, NG22 9QS	Videos of no social distancing sent in by Police	15/09/2020	LEO visited premises with Police, observed little social distancing, more than 6 people sat at 1 table. Manager was told to separate out tables and ensure only 6 can sit at each. At a later visit LEO met with the DPS and brewery manager and saw the new measures that had been put in place.

Brew Brothers, Rubys Avenue, Fernwood, NG24 3RQ	Report of not taking track and trace details	18/09/2020	LEO visited the premises and found that they were taking track and trace details.
Top Club, Mansfield Road, Clipstone, NG21 9AA	Report of a hen and stag party, police attended and found no social distancing.	22/09/2020	LEO spoke to the DPS on the phone who stated that the group of people that the Police attended for were not on pub land and that everyone inside was social distancing. LEO visited and found most Covid safety measures in place. Advice given regarding increasing space between tables/chairs and the use of pool table and fruit machines.
Maypole at Wellow, Newark Road, Wellow, NG22 0EA	The premises closed as a couple of customers tested positive after visiting but waited 10 days to inform the pub.	24/09/2020	LEO visited premises and saw the manager. She explained that they had been shut for 5 days as per advice and had now reopened. All Covid safety measures in place.
Newark Cue Club, 41A Carter Gate, NG24 1UA	Report of not taking track and trace details, one way system not being adhered to, not enough space between tables.	28/09/2020	LEO viewed CCTV which Police had seized and did not see anything untoward apart from last customers leaving at 10.15pm rather than 10pm. LEO visited but no one was there. Information passed to PC Nelson who will visit and advise accordingly.
Harbour Master Café, The Wharf, Newark, NG24 1EU	Report of not taking track and trace details and staff not wearing face masks	28/09/2020	LEO visited and found everything in order, staff wearing masks, track and trace QR code on display, tables well spread out. Advice was given regarding social distancing at busy times.

Visits and Actions in Response to Coronavirus

- 2.4 The move to a three-tier model in Early October introduced a number of changes that required advice, guidance and enforcement in licensed premises. The rule of 6 was removed for indoor settings including pubs and clubs. This resulted in venues having to ensure that only single households were meeting in their premises. However, the rule of 6 did apply to outdoor settings such as beer gardens. Visits were made to as many establishments as possible to provide advice and guidance and to ensure compliance with the new rules.
- 2.5 There was a breach of the tier 2 regulations that resulted in the serving of a fixed penalty notice on a pub in Newark.
- 2.6 The tier 2 controls also introduced the 10.00pm curfew. A small number of complaints were received alleging that this was being breached. Evening visits were carried out and no evidence was found to support these claims.

- 2.7 The introduction of tier 3 restrictions on 29 October proved challenging to licensed premises. The restrictions only allowed the sale of alcohol if it was served with a substantial meal. The Business Unit received numerous calls seeking advice on the definition of a substantial meal. The tier 3 restrictions also introduced no off sales of alcohol after 9.00pm, in both retail and hospitality venues.
- 2.8 In order to support business throughout this time the Council mobilised staff from across the workforce to act as 'Covid Ambassadors' visiting retail, services and hospitality venues across the district giving advice and acting as point of contact for questions from business owners.
- 2.9 New national restrictions will now be introduced that will take precedence over any local restrictions.
- 2.10 Set out below is a summary of the actions taken to date as a response to Covid-19.

Opening of None Essential Retail

- (i) We produced simplified guidance for all none essential retail to summarise the regulations and guidance. We also produced an advice pack on queuing and impacts on the public realm.
- (ii) 09.06.20 we had an advice and guidance phone in for retail businesses to 'ask the expert'.
- (iii) w/c 15.06.20 Week of action to support retail opening. Approx. 300 visits made by covid ambassadors.

Opening of hospitality

- (i) 25 visits made to licensed premises to provide pre-opening checks
- (ii) 04.07.20 night of action to carry out covid secure checks 30 premises visited. Joint operation with Police
- (iii) 08.08.20 in response to Newark being on the watch list visits to hospitality venues 107 visits made during day time and evening
- (iv) 18.09.20 night of action in Ollerton and western villages. Joint with Police licensing. 6 premises visited.
- (v) 08.10.20 day of action. Retail and close contact premises. 93 premises visited

Tier 2 controls

- (i) 12.10.20 mobilisation of covid ambassadors into high streets to offer advice guidance and reassurance on Tier 2 implications. Engagement with businesses and the public on a daily basis. Leaflets also being distributed. So far estimate over 1000 interactions
- (ii) 17.10.20 night of action. Hospitality venues. 35 premises visited

Tier 3 controls

- (i) 29.10.20 – new leaflets produced for hospitality trade. Mobilisation of covid ambassadors into high streets to distribute.
- (ii) 31.10.20 – Licensing staff carried out evening visits to Newark town centre.

Enforcement

- (i) 1 FPNs issued under coronavirus Regs.
- (ii) 2 Health & Safety at Work Improvement Notices issued. 1 to hospitality venue and 1 to close contact business.
- (iii) 6 Community Protection Warnings issued.

3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

Background Papers

Nil

For further information please contact Nicola Kellas on extension 5894

Matthew Finch
Director – Communities & Environment

LICENSING COMMITTEE
12 NOVEMBER 2020

TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 JULY TO 30 SEPTEMBER 2020

1.0 Purpose of Report

1.1 To inform Members of changes to Temporary Event Notices and notices that have been received and acknowledged between 1 July and 30 September 2020 inclusive.

2.0 Background

2.1 The Licensing Act 2003 introduced a light touch system for ad hoc, permitted temporary activities. A Temporary Event Notice (TEN) is given by an individual (a premise user) and authorises the premises user to conduct one or more licensable activities at premises.

2.2 There are two types of TEN;

- A standard TEN, to be given no later than 10 working days before the event to which it relates
- A late TEN, can be given 9 and not later than 5 working days before the event. Late TENs are intended to be used by premise user who is required for reasons outside their control to for example, change the venue at short notice.

2.3 Only the Police and Environmental Health can make representation against the TEN. Once the Police and Environmental Health receive a TEN, they have 3 working days to make any objections to it on the grounds of any of the four licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. If no objections are received the event will go ahead as planned. If an objection is received for a standard TEN the Council will have to organise a hearing to consider the objection and may impose conditions or decide that the event cannot go ahead. If an objection is received against a late TEN, no hearing is held and the application is refused.

3.0 Attachments

3.1 A detailed list of Temporary Event Notices is attached at **Appendix A**.

4.0 RECOMMENDATION

That the report be noted.

Background Papers - Nil

For further information please contact Nicola Kellas on extension 5894.

Matt Finch
Director – Communities & Environment

APPENDIX A

TEMPORARY EVENT NOTICES ACKNOWLEDGED BETWEEN 1 JULY AND 30 SEPTEMBER 2020 INCLUSIVE

KEY FOR LICENSED ACTIVITIES

A – THE SALE BY RETAIL OF ALCOHOL

C – SUPPLY OF ALCOHOL BY OR ON BEHALF OF A CLUB TO, OR TO THE ORDER OF, A MEMBER OF THE CLUB

E - THE PROVISION OF REGULATED ENTERTAINMENT

R – THE PROVISION OF LATE NIGHT REFRESHMENT

REF	ACK'D	PREMISE	NATURE OF EVENT	DATE OF EVENT	TIME OF EVENT	LICENSED ACTIVITIES	TEN REF
20/00400/TEN	13.07.2020	7 CREMORNE DRIVE BILSTHORPE NEWARK NG22 8UR	SELLING FOOD BOXES CONTAINING ALCOHOLIC DRINKS	07.08.2020 08.08.2020 09.08.2020 10.08.2020 11.08.2020 12.08.2020 13.08.2020	11:00 TO 16:00 11:00 TO 16:00 11:00 TO 16:00 11:00 TO 16:00 11:00 TO 16:00 11:00 TO 16:00 11:00 TO 16:00	A	4512
20/00420/TENLAT	17.07.2020	12 BESTHORPE ROAD COLLINGHAM NEWARK NG23 7NP	BREWERY OPEN DAY	26.07.2020	12:00 TO 20:00	A & E	4513
20/00437/TEN	03.08.2020	INGRAM LANE FARM INGRAM LANE GRASSTHORPE NG23 6RA	OUTDOOR WEDDING	02.09.2020	12:30 TO 23:59	A	4514
20/00454/TEN	12.08.2020	THE PLOUGH 1 NEWARK ROAD CODDINGTON NG24 2QF	LIVE MUSIC EVENT	29.08.2020	12:00 TO 23:00	A & E	4515
20/00456/TENLAT	17.08.2020	12 BESTHORPE ROAD COLLINGHAM NG23 7NP	BREWERY OPEN DAY	30.08.2020	12:00 TO 20:00	A & E	4516
20/00457/TEN	18.08.2020	ARTHUR RADFORD HALL COOKS LANE MORTON NG25 0XQ	COMMUNITY SOCIAL PICNIC	06.09.2020	14:00 TO 20:00	A	4517
20/00453/TENLAT	19.08.2020	5 GLEBE PARK BALDERTON NG24 3GN	GARDEN PARTY FUNDRAISER	29.08.2020	15:00 TO 20:00	A & E	4518
20/00458/TENLAT	20.08.2020	FOX INN KELHAM NG23 5QP	OUTDOOR BAR FOR BANK HOLIDAY	29.08.2020	12:00 TO 23:00	A & E	4519

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20/00459/TEN	24.08.2020	CO-OP CAR PARK MAIN STREET FARNSFIELD NG22 8EF	TEMPORARY SHOP	02.09.2020 03.09.2020 04.09.2020 05.09.2020 06.09.2020 07.09.2020 08.09.2020	06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00	A	4520
20/00460/TEN	24.08.2020	CO-OP CAR PARK MAIN STREET FARNSFIELD NG22 8EF	TEMPORARY SHOP	10.09.2020 11.09.2020 12.09.2020 13.09.2020 14.09.2020 15.09.2020	06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00	A	4521
20/00461/TEN	24.08.2020	CO-OP CAR PARK MAIN STREET FARNSFIELD NG22 8EF	TEMPORARY SHOP	17.09.2020 18.09.2020 19.09.2020 20.09.2020 21.09.2020 22.09.2020	06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00 06:00 TO 23:00	A	4522
20/00462/TEN	24.08.2020	CO-OP CAR PARK MAIN STREET FARNSFIELD NG22 8EF	TEMPORARY SHOP	25.09.2020 26.09.2020	06:00 TO 23:00 06:00 TO 23:00	A	4523
20/00522/TENLAT	04.09.2020	LA PARISIENNE 12 KING STREET SOUTHWELL NG25 0EN	OPENING WHILE WAITING FOR NEW LICENCE	11.09.2020 12.09.2020 13.09.2020	09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00	A & R	4524
20/00523/TENLAT	04.09.2020	LA PARISIENNE 12 KING STREET SOUTHWELL NG25 0EN	OPENING WHILE WAITING FOR NEW LICENCE	15.09.2020 16.09.2020 17.09.2020 18.09.2020 19.09.2020 20.09.2020	09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00	A & R	4525
20/00524/TEN	04.09.2020	LA PARISIENNE 12 KING STREET SOUTHWELL NG25 0EN	OPENING WHILE WAITING FOR NEW LICENCE	22.09.2020 23.09.2020 24.09.2020 25.09.2020 26.09.2020 27.09.2020	09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00	A & R	4526

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20/00525/TEN	04.09.2020	LA PARISIENNE 12 KING STREET SOUTHWELL NG25 0EN	OPENING WHILE WAITING FOR NEW LICENCE	29.09.2020 30.09.2020 01.10.2020 02.10.2020 03.10.2020 04.10.2020	09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00 09:00 TO 24:00	A & R	4527
20/00545/TEN	09.09.2020	THORESBY PARK NETHERFIELD LANE OLLERTON NG22 9EP	HORSE TRIALS	07.10.2020 08.10.2020 09.10.2020 10.10.2020 11.10.2020	09:00 TO 23:00 09:00 TO 23:00 09:00 TO 23:00 09:00 TO 23:00 09:00 TO 23:00	A & E	4528
20/00544/TEN	14.09.2020	NEWARK SHOWGROUND LINCOLN ROAD CODDINGTON NG24 2NY	BAR AT TRUCKFEST	01.10.2020 02.10.2020 03.10.2020 04.10.2020	09:00 TO 23:59 09:00 TO 23:59 09:00 TO 23:59 09:00 TO 23:59	A & R	4529
20/00557/TENLAT	18.09.2020	MILESTONE BREWERY GREAT NORTH ROAD CROMWELL NG23 6JE	BREWERY BAR	27.09.2020	12:00 TO 19:00	A	4530
20/00558/TENLAT	18.09.2020	12 BESTHORPE ROAD COLLINGHAM NG23 7NP	BREWERY OPEN DAY	27.09.2020	12:00 TO 20:00	A & R	4531
20/00561/TENLAT	21.09.2020	NEWARK SHOWGROUND LINCOLN ROAD CODDINGTON NG24 2NY	BAR AT TRUCKFEST	03.10.2020 04.10.2020	08:00 TO 19:00 08:00 TO 19:00	A	4532
20/00568/TENLAT	25.09.2020	MILESTONE BREWERY GREAT NORTH ROAD CROMWELL NG23 6JE	BREWERY BAR	04.10.2020	12:00 TO 19:00	A	4533
20/00591/TEN	29.09.2020	THORESBY PARK NETHERFIELD LANE OLLERTON NG22 9EP	STALL AT FOOD AND CRAFT EVENT	17.10.2020	09:30 TO 16:30	A	4534