



*Castle House
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Wednesday, 2 June 2021

**Chairman: Councillor Mrs R Crowe
Vice-Chairman: Councillor R White**

Members of the Committee:

**Councillor Mrs K Arnold
Councillor L Brazier
Councillor Mrs B Brooks
Councillor S Carlton
Councillor M Cope
Councillor P Harris**

**Councillor R Jackson
Councillor Mrs S Michael
Councillor Mrs S Saddington
Councillor I Walker
Councillor K Walker
Councillor Mrs Y Woodhead**

MEETING: Licensing Committee

DATE: Thursday, 10 June 2021 at 6.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

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

AGENDA

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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.

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, 11 March 2021 at 6.00 pm.

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

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor S Carlton, Councillor M Cope, Councillor P Harris, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

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.

44 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.

45 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.

46 MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2020

AGREED that the Minutes of the meeting held on 12 November 2020 were accepted as a correct record.

47 FORWARD PLAN - APRIL 2021 TO MARCH 2022

In considering the items included on the Forward Plan for the period 1 April 2021 to 31 March 2022 the Chairman queried whether Members wished to add any further items.

A Member stated that a number of years ago the Statement of Licensing Policy (SoLP) had included a requirement for premise licence applicants to identify seated and vertical drinking areas. This was to ensure that vertical drinking areas were kept to a minimum as their use led to an increase in problem behaviour in premises. He noted that the requirement was no longer included in the SoLP and requested that this be reviewed in due course. The Business Manager – Public Protection confirmed that the requirement to identify such areas was no longer a policy within the SoLP but there was a great deal of guidance provided as to what was expected of applicants in this regard.

AGREED (unanimously) that the Forward Plan for the period 1 April 2021 to 31 March 2022 be noted and that the following items be added:

Review of Pool of Potential Conditions to be used at Licensing Hearings.
Review of Policy and Guidance in relation to Seated and Vertical Drinking in Licensed Premises (June 2021)

48 BUSINESS & PLANNING ACT 2020 - PAVEMENT LICENCES AND IMPLICATIONS FOR LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members on revised guidance in relation to pavement licenses and other impacts on licensed premises. The report also sought approval to amend the Council’s current policy.

The report set out that the Business & Planning Act 2020 had been introduced to support business with arrangements to trade effectively during controls imposed as part of the combatting of coronavirus. Subsequent guidance from the Secretary of State had been received in relation to Pavement Licences which necessitated amended to the Council’s current policy. The potential changes were highlighted in paragraph 2.3 of the report. It was, however, reported that Officers had not had opportunity to look in detail at the amended guidance and therefore proposed that the Chairman and Vice-Chairman of the Committee be given delegated authority to agree any necessary amendments to the policy.

In response to whether the changes would affect established businesses or those licensed for off-sales, the Business Manager advised that it was to allow a premise licence holder to designate a specific area outside their establishment which would have tables and chairs on it. There would be no impact on whether a premise were licensed for off-sales.

In welcoming the proposed relaxation of the regulations a Member suggested that even less restrictions be imposed, noting that the width of the roads in his ward were extremely narrow in parts and that a flexible approach to pavement licenses should be adopted. The Business Manager advised that the District Council had the power to grant a licence following consultation with the organisations noted in paragraph 3.5 of the report and that every effort would be made to support the applicant and their business.

In relation to the proposed changes to the application fees, the Business Manager advised that in September 2020 when the Committee had agreed to issue pavement licences that had only been until 31 March 2021 (a period of 6 months @ £50). At that time Committee had also agreed to levy a £25 renewal fee for the remainder of however long the Business & Planning Act 2020 regime lasted. The new guidance had now extended this particular licensing regime until September 2022 (a further 18 months) and the suggested £100 application fee would be for a pavement licence which covered that 18 months period.

AGREED (unanimously) that:

- (a) delegated authority be given to the Chairman and Vice-Chairman of the Committee to agree the amendments to the Policy;
- (b) the conditions to the licence remain unchanged; and
- (c) the consultees for any application remain unchanged.

49 MINUTES OF LICENSING HEARINGS

49a 23 NOVEMBER 2020 - MADISON'S LOUNGE BAR & BISTRO

In response to a query as to what the latest position was with the appeal submitted against the Licensing Panel's decision, the Business Manager – Public Protection advised that pre-appeal discussion had been held with Madison's solicitor and that the hearing had been scheduled for September 2021.

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of Madison's Lounge Bar & Bistro be noted.

49b 5 JANUARY 2021 - THE 616, WELLOW

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of The 616, Wellow be noted.

50 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS - 1 OCTOBER TO 31 DECEMBER 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the activity and performance of the Licensing Team between 1 October and 31 December 2020.

In considering the report a Member queried as to where the definition of an outdoor area in relation to the use of a marquee at a licensed premise had been taken from. The Business Manager – Public Protection advised that it was a national definition and had been taken from the Health Act 2006.

AGREED (unanimously) that the report be noted.

Councillor Scott Carlton left the meeting at 18:50 hours.

51 TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 OCTOBER AND 31 DECEMBER 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the Temporary Event Notices (TENs) received between 1 October and 31 December 2020.

In considering the report a Member noted that a number of simultaneous TENs had been applied for and queried whether they would count as a single application when the numbers were aggregated over a 12 month period. He also queried whether any

changes had been made arising from the pandemic. In response, the Senior Licensing Officer advised that a single premise could not be used more than 15 times per calendar year and no more than 21 days per calendar year, therefore a TEN which could be over a period of 3 days would reduce the number of times to 14 and the number of days to 18. The Business Manager – Public Protection added that the permitted number of TENs had been increased for outdoor events as part of the Business & Planning Act 2020. The Member suggested that the change to the number of permitted events be publicised so that licensees could take advantage of that.

The Business Manager advised that the Licensing Team would be contacting most of the licensed premises within the district to assist them in preparing to reopen their premises following the easing of the current restrictions. This would include information on TENs; Pavement Licenses; Off Sales; social distancing controls; table service. Members were also informed that premises were being offered pre-opening checks to ensure they were compliant with new regulations.

AGREED (unanimously) that the report be noted.

52 EXCLUSION OF THE PRESS AND PUBLIC

AGREED 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 involved the likely disclosure of exempt information as defined in Paragraphs 1 of part 1 of Schedule 12A of the Act.

53 23 NOVEMBER 2020 - EXEMPT MINUTES OF MADISON'S LOUNGE BAR & BISTRO LICENSING REVIEW HEARING

In considering the exempt Minutes of the Licensing Hearing for Madison's Lounge Bar & Bistro a Member suggested that the incidents noted in the minutes were an example of how vertical drinking led to problems in a premise. The Chairman advised that the issue of seated and vertical drinking would be reviewed by the Committee at their next meeting in June 2021.

Meeting closed at 7.00 pm.

Chairman

Forward Plan of the Licensing Committee Decisions from 1 June 2021 to 31 May 2022

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
September 2021	Pubwatch Update	alan.batty@newark-sherwooddc.gov.uk
September 2021	The use of Nitrous Oxide	alan.batty@newark-sherwooddc.gov.uk
September 2021	Review of Potential Licensing Conditions	alan.batty@newark-sherwooddc.gov.uk
September 2021	Review of Pavement Licences	alan.batty@newark-sherwooddc.gov.uk

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

LICENSING COMMITTEE

10 JUNE 2021

UPDATE ON RE-OPENING OF HOSPITALITY

1.0 Purpose of Report

1.1 To inform Committee of the work that the Licensing Team has been doing in preparation for the opening of hospitality in-line with the Government step approach to lifting lockdown.

2.0 Background

2.1 The COVID 19 pandemic has led to 3 national lockdowns in the UK from March 2020 to present day.

2.3 This report outlines the pro-active work that the Licensing Team has carried out to help prepare the local hospitality for lifting lockdown from the third national lockdown which began on 6 January 2021.

2.4 Following the Prime Minister's announcement of the easing of the lockdown restrictions an action plan for hospitality was prepared.

3.0 Actions Taken Re-Open Hospitality

3.1 The Licensing Team contacted approx. 120 licensed premises to determine when they planned to re-open and to check if they were aware of the restrictions at each step and to ask whether they would like a pre-visit before they opened.

3.2 To support the licensed trade and to ensure that everyone was aware of the differing rules and times of changes in the rules, a clear guidance document was produced and sent out to each licensed premises in Newark & Sherwood, along with a pre-opening checklist. A copy of these can be found at **Appendix 1**. In order that the information was correctly received it was addressed to the Manager/DPS of the premise rather than a named person.

3.3 This information was shared on the Council's website and on the Schemelink platform (for Pub Watch members).

3.4 To support the local licensing trade, monies have been secured to purchase 50 Schemelink licences for use of the local Pub Watch schemes.

3.5 Licensing Officers are working with the Chairman of the Southwell Pub Watch Scheme to get them transferred over to the Schemelink platform.

3.6 Approx. 35 pre-opening visits have been carried out by licensing staff, where advice and good practice were discussed with the licence holder/DPS to ensure that they were prepared in a COVID secure manner for re-opening.

3.7 Outdoor hospitality opened up on 12 April 2021.

- 3.8 On Saturday, 17 April 2021, 16 officers from the Public Protection team, worked in pairs and visited 60 licensed premises across the district that were offering outdoor hospitality. Inspection sheets were completed at each premise and advice given to premises as appropriate.
- 3.9 An evaluation meeting was held on 19 April 2021, where it was decided which premises required follow up visits and letters to set out the breaches that were found on the night of action. A total of 12 letters were sent out.
- 3.10 Follow up visits were then carried out and the general consensus was that the rules were being adhered to. Apart from one premise in Ollerton, which after 5 separate interactions with Officers (including the letter) the marquee that was in situ did not fall under the definition of “outdoor structure”. Therefore a £1,000 fixed penalty notice was issued along with a letter to stop the outdoor bar being used as it was not covered by the premise licence and was in breach of section 137 of the Licensing Act. The punishment for continued use if found guilty is 6 months imprisonment, a fine not exceeding £20,000 or both.
- 3.11 This premise has now complied with the outdoor structure definition for marquees and is covering the outdoor bar with TEN’s and has put in a variation application to cover the outdoor bar area.
- 3.12 A team of 14 staff from Public Protection headed out across the district on Friday, 21 May and visited 55 premises and on Saturday, 29 May a team of 6 staff visited 28 premises to ensure that rules were being followed with the re-opening of indoor hospitality from Monday, 17 May 2021.
- 3.13 Evaluation meetings were held on 24 May 2021 and 1 June 2021 where it was decided which premises required follow up visits and letters to set out the breaches that were found on the nights of action. A total of 9 letters were sent out.

4.0 Equalities Implications

- 4.1 There are equalities implications arising from this report.

5.0 Financial Implications

- 5.1 None from this report

6.0 Digital Implications

- 6.1 There are no digital implications arising from this report.

7.0 RECOMMENDATION

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

For further information please contact Nicola Kellas on extension 5894

Matthew Finch
Director – Communities & Environment

Lifting Lockdown

Guidance Notes for Hospitality

Test and Trace will be mandatory for licensed premises. Businesses **MUST** display the official NHS QR code posters so that customers can 'check-in' at different premises using this option as an alternative to providing their contact details.

COVID-19 Risk Assessments – All premises must carry out a COVID-19 risk assessment. These must be regularly reviewed and updated to take account of any changes in the operations of the premises.

Stage 1 - 12 April 2021

Outdoor areas at hospitality venues (cafés, restaurants, bars, pubs, social clubs including members' clubs) can re-open, including for takeaway alcohol. Venues may allow customers in to use certain indoor facilities (use of toilets, baby change, etc.).

At any premises serving alcohol; customers will be required to:

- Order while seated
- Be served while seated
- Eat/drink while seated
- Wear face coverings whilst accessing indoor areas

Who can meet outdoors?

A group of up to 6 from mixed households or two households.

What is the definition of "outdoor"?

A place is indoors if it would be considered to be enclosed, or substantially enclosed for the purposes of section 2 of the Health Act 2006 (37) under the Smoke-free (Premises and Enforcement Regulations 2006 (38).

Therefore, a marquee or any similar structure must not be wholly enclosed or substantially enclosed to be "outdoors". In practice, this means it must not have sides (including doors, windows or other fittings that can be opened or shut) that enclose more than 50% of the shelter, if you want to use it as an outdoor space.

If a marquee is a square but two of the sides are open to the air, then it can be used as an outdoors space. If the same marquee has three or four sides enclosing it then it becomes an indoor space.

Can takeaway alcohol be served?

Yes, as long as you have off sales as part of your licence you will be able to serve alcohol to take away. You will need to differentiate between the sales of alcohol that are being taken away from the premises and alcohol that will be consumed in the outdoor area (where table service rules apply).

Can pool tables, darts, fruit machines be used?

If these are indoors then they cannot be used.

Betting shops (subject to additional COVID-secure measures, such as limiting the use of gaming machines) will re-open.

Pavement Licences

A Pavement Licence is a licence granted by the local authority which allows the licence holder or premises owner to place removable furniture over certain highways adjacent to the premises in order to make it easier to serve food and drink from the premises, and help them maximise their capacity with outdoor tables and chairs.

Further information can be found at:

<https://www.newark-sherwooddc.gov.uk/licensing/pavementlicence>

or by emailing request@nsdc.info

Stage 2 - 17 May 2021

Indoor areas of hospitality venues (cafés, restaurants, bars, pubs, social clubs, including members clubs) can re-open.

At any premises serving alcohol; customers will be required to:

- Order while seated
- Be served while seated
- Eat/drink while seated
- Wear face coverings whilst indoors (apart from whilst seated to eat/drink)

Who can meet indoors?

A group of up to 6 from mixed households or two households.

Who can meet outdoors?

Groups of up to 30 people from mixed households.

What are the rules around larger scale events?

Controlled indoor events of up to 1,000 people or 50% of a venues capacity, whichever is lower, will be permitted, as will outdoor events with a capacity of either 50% of 4,000 people, whichever is lower. The Government will also make special provisions for large, outdoor, seated venues where crowds can be safely distributed, allowing up to 10,000 people or 25% of total seated capacity, whichever is lower. In addition, pilots will be run as part of the Events Research Programme to examine how such events can take place without the need for social distancing using other mitigations such as testing.

What are the wedding/life event rules?

Weddings, receptions, funerals and commemorative events including wakes can proceed with up to 30 attendees. A broader range of standalone life events will also be permitted at this time, including bar mitzvahs and christenings.

Indoor entertainment and visitor attractions

Businesses that can re-open will include:

- Cinemas/theatres/concert halls
- Museums and galleries
- Amusement arcades and adult gaming centres
- Bingo halls/casinos
- Bowling alleys/skating rinks
- Games/recreation/entertainment venues such as escape rooms, laser quest and play areas (including soft play and inflatable parks)
- Snooker and pool halls

Outdoor events

Remaining outdoor entertainment events, such as outdoor cinemas, theatres and other performance events will also be permitted.

Stage 3 - 21 June 2021

Remaining businesses to re-open including:



LIFTING LOCKDOWN

- Nightclubs
- Adult Entertainment Venues

Restrictions will be lifted on large events.

All of the dates mentioned above are estimates based on the Government's Roadmap to re-opening the UK. These depend on the four tests that the Government will use to review the latest data on the impact of the previous stage. The tests are:

1. The vaccine deployment programme continues successfully.
2. Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated.
3. Infection rates do not risk a surge in hospitalisation which would put unsustainable pressure on the NHS.
4. Assessment of the risks is not fundamentally changed by new Variants of Concern.

You can find the latest information on COVID-19 at:

www.gov.uk/coronavirus and www.newark-sherwooddc.gov.uk/coronavirus

Licensing Pre-opening Checklist

- Is the current DPS is still working at the premises and how many personal licence holders you have working on site.
- Has there been a change to the premises licence holder or their registered address?
- Is the Premises Licence Summary and Section 57 Notice on display? Is the full licence available for inspection?
- Is the bar authorisation form in place and all training records up to date?
- Has the Premises Licence annual fee (and late night levy) been paid. Check for suspension notices and remove if applicable.
- Has the gaming permit annual fee been paid? If it has not then the permit will have lapsed and need to apply for a new one.
- Notifications (automatic entitlements to 2 gaming machines) – if the premises licence has been transferred then you need to apply for a new notification.
- Is your licence fit for purpose? – do you need extended hours at start or end of trading, do you need to modify conditions or the addition of off sales (more details below). Consider time limited licence applications or TENS if permanent changes not needed/possible.
- If you are adding a food offer consider if you need late night refreshment if trading beyond 11pm? Consider food registration issues and discuss with local food EHO. Do you need to add permissions – e.g. films? Can the deregulation of live and recorded music help? Do you have unused spaces in your building which can be used for social distancing and do you need permission from the local authority?
- Review licence conditions (now and in light of any subsequent COVID 19 regulations)– ensure compliant and consider whether anything needs amending – e.g. use of any existing outside space or any potential opportunity areas, licensing of external dispense bars, off sales, last entry, door staff , relaxation of delivery and collections to reduce interaction between customers/staff and visitors. Do you plan opening new access points to regulate entry/flow of visitors and customers? Do you wish to keep windows and doors open (except fire doors) to assist ventilation? Check if the Local Authority will accept minors, possibly time limited for the changes you need.
- Check for any planning restrictions which might need to be amended as a result of changes you wish to make. This could relate to the use of areas, trading hours or operational conditions. Here are some areas to think about:

If you are considering using an area for customers that has been previously used as a non customer part of the premises e.g. storage/staff area/car park, then while change of use may not be required, you will still need to consider if it is needed. If the area can be said to be part of the planning unit then it could be used for any purpose incidental to the primary use. Exceptions would be restrictive conditions that may require retention of all parking spaces or no outside customer area (for amenity reasons). In the current climate, it may be straightforward to obtain a temporary permission at least.

If the local authority decides to permit use of public spaces for consumption of drinks and food outside - while mobile bars would not require planning consent unless left in a fixed place, planning consent may be required for any fixed structure. And, you would need to licence the use of the bar either by way of a TENS or variation.

If you want to have outdoor bar/marquee/structure/fixed furniture outside on your land for more than 28 days you may need planning consent. Also consider the impact of any new street furniture or advertising.

- Pavement licence, A Boards, marriage licence and special treatment licence - have they been renewed and if renewed, were fees paid or have they been deferred? Is there an opportunity to amend the licence – hours or area? If required, check that the licence is on display.

- Outside drinking – check if you are in an area covered by a Public Space Protection Order (PSPO) also known as controlled drinking then alcohol can be seized by the police, unless the area is covered by a pavement licence or is licensed as part of a premises licence
- In addition to licensing any external bar, do you need a street trading licence e.g. for outside bar, food offer that is not on your land.
- Consider use of external spaces which may be owned by your landlord or local authority and speak to them. Find out if they intend to widen pavements or increase space available to premises.
- In relation to hotels if you are not intending to open either the hotels restaurants or bars initially but will be offering a limited breakfast/dinner service to the guest's bedroom you may wish to have some refrigerated units behind reception or other location to sell a selection of alcohol that can be taken to the room by hotel residents. Some of these areas may not be licensed (particularly where the bar is separate to reception) so check the licence and plan.
- If you are a landlord and your tenant has left then carry out the necessary checks to ensure that the premises licence has not been surrendered or has lapsed.
- Have building works been undertaken during the closure? If so, is licensing consent required?
- Consider what works you wish to undertake before opening and consider whether they need permission – such as installation of barriers and screens.
- Check fire risk assessment is up to date and review capacity levels within the assessment and/or premises licence conditions in light of COVID-19 regulations.
- Consider existing operating policies in light of COVID 19 regulations (and consider if you need new/revised ones) –such as admission and dispersal, searching, drugs, toilet checks, underage, vulnerable persons, cleaning protocols, security, avoiding overcrowding of areas used regularly like corridors and toilets and other confined spaces, controlling queues and ensuring markers are in place or other measures to comply with social distancing.
- Consider website and social media to give advance notice to customers of how you will operate in respect of issues that might cause licensing issues – e.g. queuing, overcrowding, use of outside areas, admission rules.
- Consider staff training on operational changes that will impact on reopening.
- Consider liaising with neighbours and resident associations; it is likely that the ambient noise levels will increase and residents may become sensitive to noise issues.
- Pubwatch/BIDs and other local initiatives – check for local advice and support.
- Check how enforcement will work locally and nationally – potentially, non-compliance with more technical licence breaches that do not impact on the licensing objectives may not be enforced by the Authorities in the same way as others. National and local guidance might follow on this. It may assist to contact your primary authority for advice.
- Undertake pre-opening licence health check and risk assessment to comply with COVID-19 regulations and signage requirements – including social distancing guidelines; hygiene information; entry and exit routes; pick up and drop off point instructions; customer instructions upon service and payment process.
- Contact the local Police and NSDC licensing officers to find out their views on premises reopening, and any particular challenges or local initiatives. This might include anti-terror concerns, or increase in drug activity, illegal taxis'. There could be a gradual reopening and therefore certain conditions could be problematic initially, for example provision of door staff.

LICENSING COMMITTEE

10 JUNE 2021

VERTICAL DRINKING AND LICENSED PREMISES

1.0 Purpose of Report

- 1.1 To update Members on the policy and controls with regard to vertical drinking controls in licensed premises and whether the Statement of Licensing Policy requires a review.

2.0 Background

- 2.1 At the last meeting of the Licensing Committee a query was raised as to the controls in place within the current licensing policy to control vertical drinking in establishments across Newark & Sherwood.
- 2.2 Vertical drinking is a term that has come into use to refer to the practice of drinking standing up in a crowded public bar. Standing whilst drinking has been shown to lead to more unrest and violence when compared to drinking when sat down. When the Licensing Act 2003 was introduced there were concerns expressed about how these establishments would be effectively controlled. The licence objective that is important here is that of preventing crime and disorder.
- 2.3 Applications to the Licensing Authority are governed by legislation which sets out what should be included within an application. This is supplemented by two additional key documents.
- 2.4 The first of these is the statutory guidance issued by the Home Office. There is very clear guidance within this document as to what needs to be included.

A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities.

The application must be accompanied by:

- *the required fee (details of fees may be viewed on the GOV.UK website);*
- *an operating schedule (see below);*
- *a plan of the premises in a prescribed form; and*
- *if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).*

Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

- 2.5 There is no specific mention in the guidance on vertical drinking establishments.
- 2.6 The second key document is the Newark & Sherwood Statement of Licensing Policy. The current version was approved by full Council and has been in place since January 2019.
- 2.6 Policy 2 of the Statement sets out the matters that will be taken into account when considering applications. It is shown below.

POLICY 2

When preparing or considering applications, applicants, Responsible Authorities, other persons and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.*
- (ii) The precise nature, type and frequency of the proposed activities.*
- (iii) Any measures proposed by the applicant in the Operating Schedule.*
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.*
- (v) Means of access to and exit from the premises.*
- (vi) The provision and availability of adequate seating and the restriction of standing areas.*
- (vii) Noise from the premises or people visiting the premises*
- (viii) The potential cumulative impact (see below).*
- (ix) Other means and resources available to mitigate any impact.*
- (xi) Such other matters as may be relevant to the application.*

- 2.7 Members will note that at point (vi) there is a specific mention 'adequate seating and the restriction of standing areas'.
- 2.8 This is additionally supported by the local guidance that has been produced that sets out in some detail the requirement to submit a plan and as to what should be shown on the plan. An extract from the guidance is attached as **Appendix 1**. Again it can be noted that there is specific mention of the requirement for the plan to show

Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment

- 2.9 Whilst this is only guidance to support the application process Officers would seek additional details on any application if the venue could be considered to be promoting vertical drinking.
- 2.10 Officers have looked at Statements of Licensing Policy from other local authorities and very few have specific references to vertical drinking.

- 2.11 Officers are of the opinion that the current policy and guidance that is in place offers the correct level of control to ensure that premises seeking licences have the necessary support but also that the appropriate checks and balances are in place to ensure that premises do not pose a risk of not promoting the licencing objective of crime and disorder.
- 2.12 The level of crime and disorder specifically associated with named venues is low. In the past few years only two venues across Newark & Sherwood have given rise to violent disorder. Both of these venues are now closed.
- 2.13 The licence review process is in place to address areas of concern and this has been used by both residents and the Police to seek a review of local premises when they are considered to be in breach of the licensing objectives.

3.0 RECOMMENDATION

Members are asked to note the controls in place with regard to vertical drinking establishments

Background Papers - Nil

For further information please contact Alan Batty on Extension 5467.

Matthew Finch
Director – Communities & Environment

An application for a Premises Licence or Club Premises Licence must be accompanied by a plan of the premises.

Plans in respect of an application for the grant of, or variation to a premise licence, club premises certificate or for a provisional statement, should be drawn to scale 1:100 on the metric scale. The Authority will only agree to accept plans on any other scale in exceptional circumstance and such agreement must be given before the application is lodged.

Applications filed with plans on any scale without the express agreement of the Authority will not comply with requirements of the legislation and will be invalid. The plan shall show:

- The extent of the boundary of the building if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- The location of points of access to and egress from the premises;
- If different from the above point, the location of escape routes from the premises;
- In the case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- In the case where the premise includes a stage or raised area, the location and height of each stage or area relative to the floor;
- In the case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment;
- The location of a kitchen, if any on the premises;
- In addition to the requirements of the legislation plans shall also show the location of any CCTV cameras fitted to the licensed premises. The plan may include a legend through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan. Plans should be colour coded as follows:
 - The location of the extent of the boundary of the premises to be licensed is to be edged in red;
 - The locations on or from the premises which are to be used for licensable activities shall be shown edged brown and where there is more than one licensable activity taking part on the premises the applicant shall indicate on the plan (by way of shading/hatching or otherwise but to include a key) where each of those activities is to take place;
 - Areas to which alterations to premises currently licensed are to be carried out and for which approval is sought, are to be edged in green; and
 - Areas to which children are permitted are to be edged in blue.

LICENSING COMMITTEE

10 JUNE 2021

TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 JANUARY TO 31 MARCH 2021

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 January and 31 March 2021 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 JANUARY AND 31 MARCH 2021 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
21/00016/TEN	08.01.2021	7 CREMORNE DRIVE BILSTHORPE NG22 8UR	SELLING ALCOHOL WITH SNACK BOXES	10.02.2021 11.02.2021 12.02.2021 13.02.2021 14.02.2021 15.02.2021	10:00 TO 15:00 10:00 TO 15:00 10:00 TO 15:00 10:00 TO 15:00 10:00 TO 15:00 10:00 TO 15:00	A	4555
21/00022/TEN	13.01.2021	19 THE FIELDS RAINWORTH NG21 0GY	SELLING ALCOHOL WITH GIFT BOXES	12.02.2021 13.02.2021 14.02.2021	00:00 TO 23:59 00:00 TO 23:59 00:00 TO 23:59	A	4556
21/00197/TENLAT	09.03.2021	NEWFIELD DAIRY CAUNTON ROAD HOCKERTON NG25 0PN	GIN STALL AT MARKET	21.03.2021	08:00 TO 19:00	A	4557
21/00198/TEN	09.03.2021	NEWFIELD DAIRY CAUNTON ROAD HOCKERTON NG25 0PN	GIN STALL AT MARKET	18.04.2021	08:00 TO 19:00	A	4558

LICENSING COMMITTEE

10 JUNE 2021

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 January and 31 March 2021 inclusive and to provide Members with details of current going enforcement issues.

2.0 Background

2.1 This report covers the period from 1 January and 31 March 2021 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 January to 31 March 2021

Application Type	Number Received	Number Issued	Number Refused	Comments
Personal Licence	14	14		
Vary the Designated Premise Supervisor	13	13		
Transfer of Premise Licence	10	10		
Minor Variation	4	4		
Variation to Premise Licence	2	2		
New Premise licence	4	4		
Change of Premise Name	0	0		
Notification of Interest	0	0		
Surrendered Licences	2	2		
Temporary Event Notices	4	4		

2.2 By way of comparison, the number of Temporary Event Notices received for the same period last year was 52.

2.3 Enforcement Activity

Ongoing Enforcement Activity 1 January to 31 March 2021

Location	Summary of Complaint/ Reason for Visit	Date Case Opened	Action Taken So Far
Co-op, High Street, Edwinstowe	Routine licensing/Covid inspection	14.01.21	All in order
One Stop, Sleaford Road, Newark	Routine licensing/Covid inspection	14.01.21	All in order
Carriages, Castle Station	Online menu was advertising takeaway alcohol, which was not allowed under current lockdown restrictions.	18.01.21	LEO spoke to DPS, who stated that alcohol was only offered with deliveries. She agreed to amend details on social media to clarify this

Co-op, Mansfield Road, Clipstone	Routine licensing/Covid inspection	19.01.21	All in order
Fiskerton Post Office	Routine licensing/Covid inspection	19.01.21	All in order
Co-op, High Street, Sutton-on-Trent	Routine licensing/Covid inspection	26.01.21	All in order
Kebab House, Appleton Gate, Newark	Routine licensing/Covid inspection	08.02.21	LEO found no Covid safety notices and staff not wearing face coverings. Covid regulations and guidance were explained to the manager. LEO visited a week later and found all in order.
Sainsburys, London Road, Balderton	Routine licensing/Covid inspection	08.02.21	All in order
Morrisons, Newark	Routine licensing/Covid inspection	08.02.21	All in order
Black Swan, Newark	Report of regular lock-ins at the premises	10.02.21	LEO asked police licensing and beat team to pay attention to the premises. No activity has been seen.
Aldi, Newark	Routine licensing/Covid inspection	11.02.21	All in order
Shell Waitrose, Winthorpe	Routine licensing/Covid inspection	11.02.21	All in order
One Stop, Bowbridge Road, Newark	Routine licensing/Covid inspection	11.02.21	LEO advised DPS to amend CCTV time as it was 1 hour fast and also to check that Covid risk assessment was in place.
Asda, Ollerton	Routine licensing/Covid inspection	15.02.21	All in order
C-op, Main Street, Lowdham	Routine licensing/Covid inspection	15.02.21	All in order
Londis, Eton Avenue, Newark	Routine licensing/Covid inspection	15.02.21	All in order
Co-op, The Ropewalk, Southwell	Routine licensing/Covid inspection	17.02.21	All in order
Nisa Local, Southwell Road East, Rainworth	Routine licensing/Covid inspection	17.02.21	Covid safety measures all in order, advised how to transfer licence and vary DPS
Middleton Stores, Middleton Road, Newark	Routine licensing/Covid inspection	17.02.21	All in order
Key Store, 45 Lincoln Road, Newark	Routine licensing/Covid inspection	24.02.21	All in order
Londis, Preston Road, Rainworth	Routine licensing/Covid inspection	24.02.21	All in order
Texaco Service Station, North Gate, Newark	Routine licensing/Covid inspection	24.02.21	All in order
Tesco, Ollerton	Routine licensing/Covid inspection	24.02.21	All in order

Tony's, Church Street, Bilsthorpe	Routine licensing/Covid inspection	24.02.21	All in order
Blidworth Post Office, Mansfield Road, Blidworth	Routine licensing/Covid inspection	25.02.21	Advised to adjust time on CCTV, otherwise all in order
Marsh Lane Mini Market, Farndon	Routine licensing/Covid inspection	25.02.21	Advised to adjust time on CCTV, otherwise all in order
Spar, Meering Avenue, Newark	Routine licensing/Covid inspection	25.02.21	All in order
Jet Service Station, Bowbridge Road, Newark	Routine licensing/Covid inspection	25.02.21	All in order
Easthorpe News, Southwell	Routine licensing/Covid inspection	02.03.21	All in order
McColls, 2 Leeway Road, Southwell	Routine licensing/Covid inspection	02.03.21	All in order
Ruby Newsagents, Mansfield Road, Clipstone	Routine licensing/Covid inspection	02.03.21	All in order
M&S, Lyndhurst Avenue, Blidworth	Routine licensing/Covid inspection	02.03.21	All in order
Brendas, Norwell	Routine licensing/Covid inspection	02.03.21	All in order
Pizza House, Lakeside Shopping Centre, Balderton	The business moved premises but did not apply for a new premises licence	04.03.21	LEO visited and advised the owner that they must not open after 11pm unless they apply for and are granted a new licence.
Tesco, Mansfield Road, Blidworth	Routine licensing/Covid inspection	09.03.21	All in order
Londis, Fosse Road, Winthorpe	Routine licensing/Covid inspection	09.03.21	All in order
Lincolnshire Co-op, Sam Derry Close, Newark	Routine licensing/Covid inspection	11.03.21	All in order
Fruktolinka, Barnby Gate, Newark	Routine licensing/Covid inspection	11.03.21	All in order
Co-op, Main Street, Farnsfield	Routine licensing/Covid inspection	11.03.21	All in order
Cromwell Service Station, Great North Road	Routine licensing/Covid inspection	11.03.21	All in order
Edwinstowe News, High Street	Routine licensing/Covid inspection	15.03.21	All in order

3.0 **RECOMMENDATION**

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

For further information please contact Nicola Kellas on extension 5894

Matthew Finch
Director – Communities & Environment