

LICENSING SUB COMMITTEE

14 JUNE 2021

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of report

1.1 For Members to consider an application for a premise licence for The Dapper Spaniel, Staythorpe Road, Rolleston, Newark NG23 5SG.

2.0 Introduction

2.1 The application for a new premises licence has been submitted by Dapper Spaniel Hospitality Ltd. and in summary the application seeks the following licensable activities and times. It should be noted that the proposed timings have been amended. A copy of the full application can be found at **Appendix 1**. The amended hours that now form part of the application (as agreed with the Licensing Authority) that are now to be considered by the Sub Committee are shown below.

Licensable Activity	Days	Times
Live Music Indoors Outdoors	Wednesday, Friday, Saturday, Sunday	10:00 to 23:00 10:00 to 19:00
Recorded music Indoors Outdoors	Daily	10:00 to 23:00 10:00 to 19:00
Supply of Alcohol (on/off sales)	Daily	10:00 to 23:00
Opening times	Daily	10:00 to 23:00

3.0 The Application Premises

3.1 The premises subject to this application is The Dapper Spaniel, Staythorpe Road, Rolleston, Newark NG23 5SG.

3.2 A plan showing the site in context of its surroundings is attached as **Appendix 2** to this report.

4.0 Licensing History

4.1 The Dapper Spaniel, Staythorpe Road, Rolleston, Newark NG23 5SG applied for a conversion of their licence when powers to licence a premise transferred from Magistrates Court to the Local Authority in 2005. The original licence was granted on 2 September 2005.

4.2 This table below shows the applications that the licensing authority have received in relation to this premise:

Date	Type of application
05.08.2005	Conversion application
05.10.2006	Variation application
31.10.2008	Transfer and Vary DPS
16.04.2015	Transfer
28.05.2015	Transfer and Vary DPS
30.03.2017	Vary DPS
14.02.2019	Transfer and Vary DPS
12.03.2019	Vary DPS

- 4.3 A copy of the expired licence is attached as **Appendix 3**.
- 4.4 The licence holder submitted a variation application to include an outside bar area in the licensed area of the premises. This was submitted in the name of Dapper Hospitality Ltd, which was different to the name of the licence holder (Karl Tyler Chef Ltd.). A check on Companies House discovered that Karl Tyler Chef Ltd. had been dissolved on 15 December 2020. A licence held by a company that goes into liquidation or is dissolved automatically becomes invalid and therefore the licence ceased to exist.
- 4.5 The Licensing Authority notified the applicant that no extant licence was in existence and advised that a new premises licence application be submitted.
- 4.6 As there was no valid premises licence in place the premises have used Temporary Event Notices to continue operating. The Licensing Authority notified the applicant and advised that a new premises licence application was applied for.
- 4.6 Temporary Event Notices are temporary licences that cover the supply of alcohol and regulated entertainment. However, these are restricted in terms of criteria, for example,
- Each event may last no more than 168 hours (7 days) and there must be 24 hours between each event.
 - No premises may be used more than 15 times per calendar year.
 - No premises may be used for greater than 21 days per calendar year in total.
- 4.7 The following TEN's have be received in relation to The Dapper Spaniel:

Acknowledged	Nature of event	Date of Event	Time of Event	Licensable Activities	TEN Ref
22.04.2021	To licence outdoor area	30.04.2021 01.05.2021 02.05.2021 03.05.2021 04.05.2021 05.05.2021 06.05.2021	12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00	Alcohol and entertainment	4561
28.04.2021	To enable pub to open while no licence in place	08.05.2021 09.05.2021	12:00 To 00:00 12:00 To 00:00	Alcohol and entertainment	4563

30.04.2021	To enable pub to open while no licence in place	11.05.2021 12.05.2021 13.05.2021 14.05.2021 15.05.2021 16.05.2021	12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00	Alcohol and entertainment	4564
18.05.2021	To enable pub to open while no licence in place	26.05.2021 27.05.2021 28.05.2021 29.05.2021 30.05.2021 31.05.2021	12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00 12:00 To 00:00	Alcohol and entertainment	4573

5.0 Premise with Licensable Activities in the Surrounding Area

5.1 There are no comparable premises in the vicinity of The Dapper Spaniel. The nearest is approx. 1.4 miles by road and is the Bromley Arms at Fiskerton. A redacted copy of this licence is found at **Appendix 4**.

6.0 Reason for Hearing

6.1 Representations have been received from:

- Objector 1
- Ms Vanessa Howard on behalf of Mrs Sheila Howard, 11 Greenway, Rolleston NG23 5SQ
- Tom and Jane Geraghty, Station Road, Rolleston NG23 5SG
- Sanders Family, Station Road, Rolleston NG23 5SG

A copy of their representations are attached as **Appendix 5**

6.2 In total, 10 relevant representations were received by the Licensing Authority within the prescribed time. However, negotiation took place and the applicant amended the licensing hours which resulted in 6 representors withdrawing their representations.

6.3 Of the representations remaining 2 have raised concerns over excessive noise that music at the venue will cause. The objectors do not believe that the proposed application supports the following licensing objectives:

- The prevention of public nuisance

6.4 The remaining 2 representations express support for the application.

6.5 No agreement has been reached between the applicant and the objectors.

6.6 Further information was requested by the local authority and can be found in **Appendix 6**.

6.7 Agreement on certain conditions has been reached with Nottinghamshire Police for the conditions to be included in the licence. These are shown in Paragraph 7.2 below.

6.8 Agreement on certain conditions have been reached with Environmental Health for conditions to be included in the licence. These are shown in Paragraph 7.3 below.

6.9 However, since the licence has lapsed and whilst Temporary Event Notices have been used, complaints have been received by Environmental Health. The Environmental Health Officer's comments can be found at **Appendix 7**

7.0 Conditions

7.1 Annex 1 Conditions

The following mandatory conditions will be applied to the licence:

Designated Premises Supervisor

No alcohol may be supplied under this Licence:

- (a) at any time when there is no Designated Premises Supervisor in respect of these Premises; or
- (b) at any time when the Designated Premises Supervisor does not hold a personal licence or his/her personal licence is suspended.

Authorisation by Personal Licence Holders

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Irresponsible Promotions

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Potable Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Small Measures

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Sales Of Alcohol Below The Permitted Price

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorizes the supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Door Supervision

Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Any such person shall be employed at the premises at the discretion of the Licence Holder/Designated Premises Supervisor and shall display their name badge at all times when on duty.

7.2 Annex 2 Conditions

Applicant and Police Agreed Conditions

A CCTV system shall be installed and operative in the premises when licensable activities are taking place.

All recordings used in conjunction with CCTV shall:

- ***be of evidential quality***
- ***shall display accurate time and date stamps all year round to account or day light savings.***
- ***be retained for a period of 31 days***
- ***Cover the point of sale, and entrance and exit***
- ***The CCTV System should be installed in a location that is safe and accessible.***

Recordings to be made available for inspection to the Police or any other authorised person when requested.

At least one person trained and authorised to access the CCTV system shall be present during opening hours. They shall be able perform basic operations such as reviewing recordings and download recordings to removable media (USB) if required for Police or other authorised officers.

A bound and sequentially paginated incident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be retained at the premises for at least 12 months.

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- ***Induction training which must be completed and documented prior to the sale of alcohol by the staff member.***
- ***Refresher/reinforcement training at intervals of no more than 6 months.***

Training records will be retained at the premises for a minimum period of 12 months and available for inspection upon request by a Police Officer and/or authorised person.

A Challenge 25 scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. passport, driving licence, Military ID or PASS accredited card).

Challenge 25 notices shall be displayed in prominent positions throughout the premises

7.3 Applicant and Environmental Health agreed conditions:

Noise levels shall be monitored at the boundary of the premises every thirty minutes whilst regulated entertainment (both recorded and live) takes place to ensure that no vibration or noise nuisance is caused to any residential premises. 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.

All doors and windows shall remain closed when regulated entertainment is taking place, except for when actually being used for access and egress and in the event of an emergency.

Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.

8.0 Applicable Policies and Guidance

8.1 Newark & Sherwood Statement of Licensing Policy 2019 - 23

Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

Policy 2

When preparing or considering applications, applicants, responsible authorities, interested parties 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 necessity for, and proportionality 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) transport provision in the area and the likely means of public or private transport.
- (viii) parking provision in the area.
- (ix) the potential cumulative impact
- (x) other means and resources available to mitigate any impact.
- (xi) such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 8.2 The Statement of Licensing Policy (Chapters 6, 7 & 8) are considered particularly relevant to this application. This is attached as **Appendix 8**.
- 8.3 When considering this application for variation the panel may wish to consider Chapters 2, 8, 9 and 10 of the Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 - April 2018. This is attached as **Appendix 9**.

9.0 RECOMMENDATIONS

That Members consider the application for a premise licence and the representations made for the Dapper Spaniel, Staythorpe Road, Rolleston NG23 5SG and take the steps as it considers appropriate for the promotion of the licensing objectives.

The steps available on determination of a new premise application are:

- **Grant the licence subject to:**
 - i) **such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and**
 - ii) **any condition which must under section 19, 20 and 21 be included in the licence (mandatory conditions)**
- **To exclude from the scope of the licence any of the licensable activities to which the application relates**
- **To refuse to specify a person in the licence as a premises supervisor**
- **To reject the application**

List of Appendices

Appendix 1 – Application Form
 Appendix 2 – Plan of Site
 Appendix 3 – Dapper Spaniel expired licence
 Appendix 4 – Bromley Arms, Fiskerton licence
 Appendix 5 - Representations Received
 Appendix 6 – Further information Received
 Appendix 7 – Environmental Health Officer Comments
 Appendix 8 - NSDC Statement of Licensing Policy
 Appendix 9– Statutory Guidance