

NEWARK & SHERWOOD DISTRICT COUNCIL  
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON  
14 JUNE 2021  
10:00 HOURS

MEETING HELD AT  
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

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

THE DAPPER SPANIEL  
STAYTHORPE ROAD  
ROLLESTON  
NG23 5SG

SUB – COMMITTEE: Councillor Mrs R. Crowe (Chairman)  
Councillor M. Cope  
Councillor R. Jackson

ALSO IN ATTENDANCE: Caroline O’Hare (Senior Legal Advisor - NSDC)  
Nicola Kellas (Senior Licensing Officer - NSDC)

Applicant: Karl Tyler (Dapper Hospitality Ltd.)  
Michelle Whelband (Representing Mr. Tyler)

Representors: None in attendance

In opening proceedings, the Chairman advised all participants that the meeting being recording and 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 acknowledged the conditions already agreed between the applicant, the Police and Environmental Health Services 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 licence be granted, must be reasonable.

**Presentation by Senior Licensing Officer**

The Senior Licensing Officer presented to the Panel details of the application made by Dapper Hospitality Ltd. The report before the Panel presented Members with a summary of the application, the licensing history of the premise, the reasons for the Hearing and the conditions agreed with the Police and Environmental Health Services.

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.

## **Presentation of Application**

Ms Whelband advised the Licensing Panel that none of the objections received were in relation to the sale of alcohol or the provision of indoor entertainment and related solely to the provision of entertainment outdoors. She referred the Panel to the bundle of papers submitted which contained letters of support from the premise's customers.

## **Questions**

Councillor Jackson queried as to what type of entertainment was provided outdoors. Mr. Tyler advised that there were never more than 2 performers and was almost always acoustic in nature, referring to it as soft, pleasant, non-offensive music. He added that he also checked the decibel levels when entertainment was provided by using a device at the edge of his boundary. Mr. Tyler further added that he had been advised by a member of the Licensing Team as to what an acceptable level would be.

In referring to the hours as applied for, Councillor Mrs Crowe queried what times music would be played in relation to the closing time of the premise. Mr. Tyler stated that these would be 7pm to 9.30pm but this would now be inside the premise. He stated that the hours applied for were later but that was to provide flexibility should an event be held at the premise.

The Senior Licensing Officer sought clarity as to whether Mr. Tyler wished to amend the application to remove the request to hold entertainment outdoors. Mr. Tyler stated he did not wish to amend the application in that regard, but added that live music would only be held outside until 7pm.

Councillor Cope queried whether Mr. Tyler had ever had noise levels professionally checked. He also queried why he had stated that he would only hold live music indoors, given that the summer months were just starting. In response Mr. Tyler stated that he checked the levels when live entertainment was being held and if the levels breached 80dcb it was turned down. He added that the provision of live entertainment indoors 'worked' for his business but wished to retain the application for hours to permit entertainment outdoors to enable him to use it if he wished.

Councillor Jackson queried as to whether off-sales were sold in sealed containers and drunk off the premises. Mr. Tyler confirmed that that was correct. The Senior Licensing Officer queried whether Mr. Tyler would be prepared to accept that off-sales must be sold in a sealed container as a condition should the licence be granted. She also added that any discussion Mr. Tyler had held about acceptable decibel levels would not have been held with the Licensing Team and it would more likely have been with an Environmental Health Officer. Mr. Tyler confirmed he would accept a condition in relation to off sales being in a sealed container.

In response to where the outdoor entertainment was held, Mr. Tyler confirmed it was in a covered garden area.

## **Summing Up**

Ms Whelband stated that the application was for a Premise Licence to allow the supply of alcohol and to permit the provision of live and recorded music. There had been only 1 representation/objection made but a number of letters of support had been provided. Ms Whelband referred to a number of the individual letters all of which stated that no issues were experienced with the operation of the premises, adding that it clearly indicated that the level of noise was not excessive.

She noted that Mr. Tyler had amended his application to accommodate local residents' concerns which she considered to be more than reasonable. She further noted that the reason for retaining the ability to provide entertainment outdoors was to allow for this during the summer months.

Ms Whelband stated that notices would be posted asking customers to leave the premise quietly as it was in a residential area and that this would be reinforced by staff members.

In the 2 years since Mr. Tyler's operation of the business had begun, Ms Whelband stated that no incidents of crime and disorder had occurred and that there had never been a reason for the Police to be called to the premises. The demographic of the premise was that of over-30 year olds who were fairly affluent. The premise also had a children's play area. The premise provided a safe environment for its customers and also an economic benefit for the village and surrounding area. She added that the safety and wellbeing of its customers and staff were of paramount importance.

Ms Whelband referred to the community involvement undertaken by the premise, especially during the lockdowns resulting from the Pandemic.

In noting that the premise was the only pub/restaurant in the village, Ms Whelband also informed the Panel that a catering company was also operated from the premise, providing catering to the village hall and other private functions. The premise also provide a bar service upon request.

Ms Whelband stated that the majority of residents believed the premise to be the heart and hub of village life and that the application was more than reasonable, adding that the licensing objectives would not be breached. She also stated that it was her belief that the objection was vague and should not be a reason to refuse the granting of the licence.

## **Decision**

The decision of the Panel was to grant the licence subject to the following modifications and conditions:

<b>Licensable Activity</b>	<b>Days</b>	<b>Times</b>
Live Music Indoors	Wednesday, Friday, Saturday and Sunday	10:00 to 23:00
Live Music Outdoors	Friday and Saturday	10:00 to 19:00
Live Music Outdoors	Wednesday and Sunday	10:00 to 17:00
	Save for if the Sunday is the day immediately prior to a Bank Holiday Monday when the permitted hours for music outside shall be	10:00 to 19:00

Recorded Music Indoors	Daily	10:00 to 23:00
Recorded Music Outdoors	Daily	10:00 to 19:00
Supply of Alcohol On and Off Sales	Daily	10:00 to 23:00
Opening Times	Daily	10:00 to 23:00

1. All mandatory conditions as set out in Annex 1 (reference paragraph 7.1 of the Hearing Agenda pack) shall apply. Those were the conditions relating to:
  - Designated Premises Supervisor,
  - Authorisation by Personal Licence Holders,
  - Irresponsible Promotions
  - Potable Water
  - Age Verification
  - Small Measures
  - Sale of Alcohol Below the Permitted Price
  - Door Supervision
  
2. The conditions at Annex 2 (referenced paragraph 7.2 of the Hearing Agenda pack) shall apply. Those were the conditions relating to those agreed with the applicant and the Police being:
  - CCTV
  - Incident Book re Crime and Disorder, Damage or Injury
  - Relevant staff training re under age sales
  - Challenge 25 scheme in operation
  
3. The conditions at paragraph 7.3 of Hearing Agenda pack shall apply with those being the conditions agreed with the applicant and Environmental Health
  - Noise Level Monitoring
  - Recording and maintaining records of all noise monitoring and subsequent actions taken
  - All doors and windows remaining closed when regulated entertainment was occurring save for when persons enter or exit the premises or in the event of any emergency.
  - Displaying of signs requesting quiet and respectful behaviour of customers on leaving the area.
  
4. Any off licence sales must be in sealed containers and must be taken off the premises to be drunk elsewhere.

The Panel also made the following recommendations/comments:

It was noted that the times set out for ceasing the sale of alcohol and closing hours for the licence were the same. The licence holder must ensure that this was managed properly so that people were not in the premises or outside area of the premises “drinking up” beyond closing hours.