

LICENSING SUB COMMITTEE

6 DECEMBER 2021

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of Report

1.1 For Members to consider an application for a premise licence for Kelham Hall, Main Street, Kelham, NG23 5QX.

2.0 Introduction

2.1 The application for a new premises licence has been submitted by The Renaissance at Kelham Hall Ltd. and in summary the application seeks the following licensable activities and times:

Licensable Activity	Days	Times
Plays (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 02:00
Films (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 24:00
Boxing (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 02:00
Live Music (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 02:00
Non-standard times	31 December	Until 04:00 the following day
Recorded Music (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 02:00
Non-standard times	31 December	Until 04:00 the following day
Provision of anything similar description to live music, recorded music, or performances of dance (Both Indoors and Outdoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 24:00 11:00 to 02:00
Late Night Refreshment	Sunday to Wednesday Thursday to Saturday	23:00 to 24:00 23:00 to 02:00
Supply of Alcohol	Sunday to Wednesday Thursday to Saturday 31 December	09:00 to 24:00 09:00 to 02:00 Until 04:00 the following day

2.2 A copy of the full application can be found at **Appendix 1**.

3.0 The Application Premises

3.1 The premises subject to this application is Kelham Hall, Main Street, Kelham, NG23 5QX

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 Kelham Hall, Main Street, Kelham, NG23 5QX applied for a conversion and variation of their licence when the power to licence a premises transferred from Magistrates Court to the Local Authority in 2005. The original licence was applied for on 31 July 2005.

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

Date	Type of application
31.07.2005	Conversion and Variation application
13.09.2005	Hearing to determine application
07.12.2007	Vary DPS application
29.01.2008	Transfer application
22.08.2008	Vary DPS application
23.07.2009	Vary DPS application
10.10.2011	Vary DPS application
22.03.2013	Transfer application
22.03.2013	Vary DPS application

4.3 A copy of the expired licence is attached as **Appendix 3**.

4.4 A separate licence was applied for the grounds at Kelham Hall, Main Street, Kelham, NG23 5QX on 27 February 2006.

4.5 The table below shows the applications that the licensing authority have received in relation to this premise.

Date	Type of application
27.02.2006	New application
17.11.2008	Vary DPS application
22.03.2013	Transfer application
22.03.2013	Vary DPS application

4.6 A copy of the expired licence is attached as **Appendix 4**.

4.7 Both licences (182 and 969) lapsed as the licence holder (Kelham Hall Limited) went into liquidation in June 2021. A licence held by a company that goes into liquidation or is dissolved automatically becomes invalid and therefore the licences ceased to exist.

5.0 Premise with Licensable Activities in the Surrounding Area

5.1 There is one comparable premise in the vicinity of Kelham Hall. This is Kelham House, Main Street, Kelham, NG23 5QP. A redacted copy of this licence is attached as **Appendix 5**.

6.0 Reason for Hearing

6.1 Representations have been received from:

- Nathan Morrell
- Andrew Fereday

A copy of their representations are attached as **Appendix 6**.

- 6.2 In total, 2 relevant representations were received by the Licensing Authority within the prescribed time.
- 6.3 The representations 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 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 7**.
- 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 Comments received from the Planning Officer can be found at **Appendix 8**.
- 6.10 No representations have been received from the remaining Responsible Authorities.

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

Exhibition of Films

Admission of children (i.e. persons under the age of 18 years) to any exhibition of film must be restricted in accordance with any certificate and/or recommendation relating to that film made by the British Board of Film Classification

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

- 1. A Challenge 25 policy will be implemented and enforced at all times. 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).***
- 2. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be on-going and each member of staff shall be reviewed every six months. All details of the level of training will be recorded in a bound and sequentially paginated book or electronic record. The information shall be made available for inspection and copying by the Police or any other authorised person immediately on request and all such books shall be retained at the premise for at least 12 months.***

- 3. A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property, personal injury and refusals of service at the premises. This is book to be made available for inspection by the police and other officers of responsible authorities immediately upon request and all such books to be retained at the premise for at least 12 months.**
- 4. 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 (HD)**
 - 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.**
- 5. At all times the premises licence holder shall risk assess the need for door supervisors at the premises, and/or employ such door supervisors at such times and in such numbers deemed necessary by the risk assessment, and/or at any other times upon agreement with the Police.**

 - Cognisance shall be taken of Police advice if events are taking place which may directly or indirectly impact on the safety of staff and customers.**
 - Provision shall be made for the required number of SIA licensed door supervisors to be on duty at times as agreed with the Police i.e. ratio 1:100 customers at events requiring extra Police resources (Bank Holidays, bank holidays weekends, significant international or local sporting events etc.)**
 - The written risk assessment shall be made available on request to the Police and/or Licensing Authority.**
- 6. When SIA registered Door Supervisors are required to work on the premises:**

 - They shall be employed to work solely in the capacity of a Door Supervisor.**
 - There shall always be a minimum of two Door Supervisors.**
 - All Door Supervisors shall record at the premises either electronically or in a paginated book, which must be available for inspection by any police officer and/or any other authorised person showing the time and date they commenced and finished work, their full name, their full 16 digit SIA number and the expiry date of their licence.**
- 7. Prominent signs shall be erected and maintained at the checkout transaction areas, stating that it is an offence to (a) sell alcohol to an individual under the age of 18 years; (b) for an individual under 18 years to purchase alcohol; (c) for a person to buy alcohol on behalf of an individual under 18 years. Where possible a till prompt shall be installed to remind the staff member to verify the customer's age before alcohol is sold.**

7.3 Applicant and Environmental Health agreed conditions:

1. ***Clear, prominent, and legible notices are to be provided on the internal side of all exits asking customers to leave the premises and area quietly and respect the rights of neighbours.***
2. ***Employees must monitor customers leaving the premises at closing time to ensure customer leave site promptly.***
3. ***The Licence Holder shall provide notices, to be legible from within any vehicle, requesting coach and taxi drivers collecting persons attending functions on the premises to use a designated parking area and to turn off their engines while waiting.***
4. ***All doors and windows shall remain closed when regulated entertainment is taking place, except for when being used for access and egress and in the event of an emergency.***
5. ***The external area of the premises marked in yellow on the plan (shown as tree planting area plan – Drawing Number RSE_924_TPA at Appendix 9) described as ParTar and Sunken lawn (to the rear of the building) shall not be used for the provision of licensable activities or consumption of food and beverages after 22:00 hours.***
6. ***Where outside areas are used as detailed in 5 above noise levels shall be monitored at regular intervals to ensure that no noise nuisance is caused to any residential premises. A record of all actions taken as a result of the monitoring shall be kept.***
7. ***Any firework display shall not end later than 22:00 and shall be set off in the area described as firework detonation area and marked in yellow on the plan.***
8. ***One member of the Licence Holder's staff shall be responsible for ensuring compliance with the above conditions.***

7.4 The applicant has proposed the following conditions within the operating schedule of the application:

1. The total number of persons allowed on the Premises, is as follows

Lady Chapel	70 persons
Carriage Court	200 persons
Training Room	60 persons
Billiards Room	60 persons
Library	200 persons
Drawing Room	200 persons
Music Room	200 persons
Dining Room	200 persons
Marquee	460 persons
Dome	<u>600 persons</u>
Total	<u>2250 persons</u>

2. The licence holder shall ensure that all members of staff are trained in fire and emergency evacuation procedures.

3. The licence holder shall ensure that adequate first aid provision is available on the premises for all licensable events and activities
4. At least one suitable First Aider will be on duty when the public are present.
5. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused.
Such records shall show:
 - The basis for the refusal;
 - The person making the decision to refuse; and
 - The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person upon request.

These conditions will be added to conditions in Annex 2

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) are considered particularly relevant to this application. This is attached as **Appendix 10**.

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 11**.

9.0 RECOMMENDATIONS

That Members consider the application for a premise licence and the representations made for the Kelham Hall, Main Street, Kelham, NG23 5QX 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 and licence plan

Appendix 2 – Plan of Site

Appendix 3 – Expired 182 Kelham Hall Licence

Appendix 4 – Expired 969 Kelham Hall Grounds Licence

Appendix 5 – Redacted Kelham House Licence

Appendix 6 - Representations received

Appendix 7 – Further information requested by local authority

Appendix 8 – Planning officer comments

Appendix 9 – Plan RSE_924_TPA - EH Condition

Appendix 10 - NSDC Statement of Licensing Policy (Chapters 6 and 7)

Appendix 11– Statutory Guidance (Chapters 2, 8, 9 and 10)