

## LICENSING SUB-COMMITTEE

15 MARCH 2022

### APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

#### **1.0 Purpose of Report**

1.1 For Members to consider an application for a variation to a premise licence for The White Hind, 3 Carter Gate, Newark, NG24 1UA.

#### **2.0 Introduction**

2.1 The application for a variation to the premises licence has been submitted by Richard Belam and Tracey Belam. 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 Nottinghamshire Police) that are now to be considered by the Sub-Committee are shown below.

<b>Licensable Activity</b>	<b>Days</b>	<b>Times</b>
Opening Hours	Monday to Wednesday	08:00 to 02:30
	Thursday to Saturday	08:00 to 03:30
	Sunday	09:00 to 02:30
Supply of Alcohol (both on/off sales)	Monday to Wednesday	08:00 to 02:00
	Thursday to Saturday	08:00 to 03:30
	Sunday	09:00 to 02:00
Provision of Live music (Indoors)	Thursday to Saturday	19:00 to 03:30
	Sunday	16:00 to 02:00
Provision of Recorded music (Indoors)	Sunday to Wednesday	10:00 to 02:00
	Thursday to Saturday	10:00 to 03:30
Provision of Late Night Refreshment (Indoors)	Sunday to Wednesday	23:00 to 02:00
	Thursday to Saturday	23:00 to 03:30

2.2 A copy of the current licence can be found at **Appendix 2**.

#### **3.0 The Application Premises**

3.1 The premises subject to this application is White Hind, 3 Carter Gate, Newark, NG24 1UA.

3.2 The premise is a public house. It provides for late night drinking and regulated entertainment including live entertainment.

3.3 A plan showing the site in context of its surroundings is attached as **Appendix 3** to this report.

3.4 Photographs of the premise are shown at **Appendix 4** to this report.

#### **4.0 Licensing History**

4.1 The site 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 granted on 22 September 2005.

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

Date	Type of application
04.08.2005	Conversion and Variation application
22.09.2005	Licence application granted
12.10.2006	Transfer application
12.10.2006	Vary DPS application
19.10.2010	Transfer application
19.10.2010	Vary DPS application
02.07.2019	Premise Variation application
23.08.2019	Hearing to determine application

4.3 The licensing authority has received five TEN's for this premise submitted by Richard Belam in the last calendar year. The premises held a premise licence issued under the Licensing Act 2003, however, the TEN extended the licensable the details of the TENS's are shown in this table:

TEN Number	Date	Time
4711	27.11.2021	02:00 to 03:30
	28.11.2021	02:00 to 03:30
4721	04.12.2021	02:00 to 03:30
	05.12.2021	02:00 to 03:30
4724	11.12.2021	02:00 to 03:30
	12.12.2021	02:00 to 03:30
4730	18.12.2021	02:00 to 03:30
	19.12.2021	02:00 to 03:30
4740	28.01.2022	02:00 to 03:30
	29.01.2022	02:00 to 03:30
	30.01.2022	02:00 to 03:30

## 5.0 **Premise with Licensable Activities in the Surrounding Area**

5.1 There are a number of premises within close proximity to the application site; which are:

- (i) Rutland Arms, Barnby Gate, Newark
- (ii) Ye Olde White Hart, White Hart Yard, Newark
- (iii) The Old Post Office, Kirk Gate, Newark
- (iv) Queens Head, Market Place, Newark
- (v) Sir John Arderne, Market Place, Newark

5.2 The times the licence authorises the carrying out of licensable activities for these premises are set out below:

## **Rutland Arms**

### **Licensable activities authorised by the licence**

- 1 Regulated Entertainment
  - a The exhibition of films
  - b Indoor Sporting events
  - c The provision of live music
  - d The provision of recorded music
  - e Performances of dance
  - f The provision of facilities for making music
  - g The provision of facilities for dancing
- 2 Late Night Refreshment
- 3 The supply of alcohol by retail

### **The times the licence authorises the carrying out of licensable activities**

- 1 Regulated Entertainment – all categories permitted by this licence  
Monday to Sunday – 10:00 to 02:00 the following day
- 2 Late Night Refreshment  
Monday to Sunday – 23:00 to 02:00 the following day
- 3 The supply of alcohol by retail  
Monday to Sunday – 10:00 to 02:00 the following day  
The premises may open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. The number of occasions for additional hours should be limited to no more than 12, with notice to the police of 14 days and the police will have power of veto over any such extension

### **The opening hours of the premises**

Monday to Sunday – 08:00 to 02:30 the following day

Where the premises are open for licensable activities in conjunction with a sporting event as above they will close 30 minutes after the conclusion of the relevant event

## **Ye Olde White Hart**

### **Licensable activities authorised by the licence**

- 1 Regulated Entertainment
  - a The provision of films
  - b The provision of live music
  - c The provision of recorded music
  - d The provision of performance of dance
  - e The provision of anything similar to the above activities
- 2 Late Night Refreshment
- 3 The supply of alcohol

### **The times the licence authorises the carrying out of licensable activities**

#### **A Standard Times**

- 1 Regulated Entertainment  
Sunday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 01:00 the following day
- 2 Late Night Refreshment  
Sunday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 01:00 the following day
- 3 The supply of alcohol  
Sunday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 01:00 the following day

#### **B Non Standard Times**

- 1 All licensable activities permitted by this licence  
New Year's Eve – from the end of permitted New Years Eve to the commencement of permitted house on New Years Day  
Additional hour to standard times on Christmas Eve, Boxing Day, The Thursday preceding Good Friday; The Friday, Saturday and Sunday of each bank holiday; St Georges, St Patrick's and St Valentines Day

### **The opening hours of the premises**

#### **A Standard Times**

Sunday to Thursday 09:00 to 24:00  
Friday to Saturday 09:00 to 01:30 the following day

#### **B Non Standard Times**

New Year's Eve – from the end of permitted New Years Eve to the commencement of permitted house on New Years Day  
Additional hour to standard times on Christmas Eve, Boxing Day, The Thursday preceding Good Friday; The Friday, Saturday and Sunday of each bank holiday; St Georges, St Patrick's and St Valentines Day

### **The Old Post Office**

#### **Licensable activities authorised by the licence**

- 1 Regulated entertainment:
  - a The exhibition of films
  - b Indoor sporting events
  - c The provision of live music
  - d The provision of recorded music
  - e Performances of dance
- 2 Late night refreshment.
- 3 The supply of alcohol

### **The times the licence authorises the carrying out of licensable activities**

#### **A Standard Times**

Licensable activities: exhibition of films and recorded music

Sunday to Wednesday – 07:00 to 00:00

Thursday to Saturday – 07:00 to 02:00 the following day

Licensable activities: Indoor sporting events, live music, performances of dance.

Sunday to Wednesday – 10:00 to 00:00

Thursday to Saturday – 10:00 to 02:00

Late night refreshment

Sunday to Wednesday – 23:00 to 00:00

Thursday to Saturday – 23:00 to 02:00

Supply of alcohol

Sunday to Wednesday – 08:00 to 00:00

Thursday to Saturday – 08:00 to 02:00

#### **B Non Standard Times**

Licensable activities: exhibition of films and recorded music

An additional hour to the standard and non-standard times on the day when British Summertime commences

31<sup>st</sup> December – 07:00 to closing time on 1<sup>st</sup> January

Licensable activities: Indoor sporting events, live music, performance of dance and supply of alcohol

An additional hour to the standard and non-standard times on the day when British Summertime commences

31<sup>st</sup> December – 10:00 to closing time the following day

The premises may open for the broadcast of televised sporting events of national or international interest outside normal opening hours provided that the hours for the provision of licensable activities and the nature of the sporting events are notified to the police and the Licensing Authority at least 14 days before the event, such notification to include the opening times and the sporting event which is to be shown.

Licensable activities: Late night refreshment

An additional hour to the standard and non-standard times on the day when British Summertime commences.

### **The opening hours of the premises**

#### **Standard Times**

Sunday to Wednesday 07:00 to 00:30 the following day

Thursday to Saturday 07:00 to 02:30 the following day

#### **Non Standard Times**

31<sup>st</sup> December – 07:00 to closing time on 1<sup>st</sup> January

The premises may open for the broadcast of televised sporting events of national or international interest outside normal opening hours provided that the hours for the provision of licensable activities and the nature of the sporting events are notified to the police and the Licensing Authority at least 14 days before the event, such notification to include the opening times and the sporting event which is to be shown.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

## Queens Head, Newark

### Licensable activities authorised by the licence

1. Regulated Entertainment
  - a. The exhibition of films
  - b. Indoor sporting events
  - c. The provision of live music
  - d. The provision of recorded music
  - e. Entertainment of as similar description to (c) & (d) above
2. Late Night Refreshment
3. The supply of alcohol by retail

### The times the licence authorises the carrying out of licensable activities

#### A Standard Times

1. Regulated Entertainment
  - a. Categories (a) & (b) in the above box  
Sunday to Thursday – 07:00 to 01:00 the following morning  
Friday & Saturday – 07:00 to 02:00 the following morning
  - b. The provision of live music  
Monday to Sunday – 07:00 to 00:00
  - c. All other categories of Regulated Entertainment permitted by this licence  
Sunday to Thursday – 07:00 to 00:00  
Friday & Saturday – 07:00 to 01:00 the following day
2. Late Night Refreshment  
Sunday to Thursday – 23:00 to 01:00 the following day  
Friday & Saturday – 23:00 to 02:00 the following day
3. The supply of alcohol by retail  
Sunday to Thursday – 07:00 to 00:00  
Friday & Saturday – 07:00 to 01:00 the following day

#### B Non Standard Times

1. Regulated Entertainment
  - a. Categories (a) & (b) in the above box  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January
  - b. The provision of live music  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
  - c. The provision of recorded music  
All Sundays prior to Bank Holiday Mondays – 07:00 to 01:00 the following morning  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 07:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January
  - d. The provision of facilities for making music  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 10:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
  - e. The provision of facilities for dancing  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 10:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
2. Late Night Refreshment  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 23:00 to 02:00 the following day  
31<sup>st</sup> December – 23:00 to 05:00 the following morning

3. The supply of alcohol by retail  
All Sundays prior to Bank Holiday Mondays – 07:00 to 01:00 the following morning  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 07:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January

**The opening hours of the premises**

A Standard Times

Sunday to Thursday – 07:00 to 01:00  
Friday & Saturday – 07:00 to 02:00

B Non Standard Times

All Sundays prior to Bank Holiday Mondays – 07:00 to 02:00 the following morning  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 07:00 to 02:00 the following day  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January

**Sir John Arderne, Newark**

**Licensable activities authorised by the licence**

1. Regulated Entertainment – Recorded Music
2. Late Night Refreshment
3. The supply of Alcohol

**The times the licence authorises the carrying out of licensable activities**

A Standard Times

1. Regulated Entertainment – Recorded Music  
Monday to Sunday – 00:01 to 00:00
2. Late Night Refreshment  
Sunday to Thursday – 23:00 to 00:30  
Friday & Saturday – 23:00 to 01:00
3. The Supply of Alcohol  
Sunday to Thursday – 09:00 to 00:30  
Friday & Saturday – 09:00 to 01:00

B Non Standard Times

1. Late Night Refreshment  
25<sup>th</sup> January, 26<sup>th</sup> January, 1<sup>st</sup> March, 17<sup>th</sup> March, 23<sup>rd</sup> April and 30<sup>th</sup> November – 23:00 to 01:30 or 02:00 according to the day of the week upon which the date falls.  
24<sup>th</sup> December and 26<sup>th</sup> December – 23:00 to 02:00 the following day  
Maundy Thursday and the Sunday preceding a Bank Holiday Monday – 23:00 to 01:00  
From 23:00 until the start of standard hours or until 03:00 on no more than 12 occasions in any calendar year subject to at least 14 days notification to the Licensing Authority and the Police and the consent of the Police.  
31<sup>st</sup> December 23:00 until the appropriate terminal hour for 1<sup>st</sup> January
2. The Supply of alcohol  
25<sup>th</sup> January, 26<sup>th</sup> January, 1<sup>st</sup> March, 17<sup>th</sup> March, 23<sup>rd</sup> April and 30<sup>th</sup> November – 09:00 to 01:30 or 02:00 according to the day of the week upon which the date falls.  
24<sup>th</sup> December and 26<sup>th</sup> December – 09:00 to 02:00 the following day  
Maundy Thursday and the Sunday preceding a Bank Holiday Monday – 09:00 to 01:00  
From 09:00 until the start of standard hours or until 03:00 on no more than 12 occasions in any calendar year subject to at least 14 days notification to the Licensing Authority and the Police and the consent of the Police.  
31<sup>st</sup> December 09:00 until the appropriate terminal hour for 1<sup>st</sup> January

## **The opening hours of the premises**

### **A Standard Times**

Sunday to Thursday – 07:00 to 01:30

Friday & Saturday – 07:00 to 02:00

### **B Non Standard Times**

25<sup>th</sup> January, 26<sup>th</sup> January, 1<sup>st</sup> March, 17<sup>th</sup> March, 23<sup>rd</sup> April and 30<sup>th</sup> November – 07:00 to 02:30 or 03:00 according to the day of the week upon which the date falls.

24<sup>th</sup> December and 26<sup>th</sup> December – 09:00 to 03:00 the following day

Maundy Thursday and the Sunday preceding a Bank Holiday Monday – 09:00 to 02:00

From 07:00 until the start of standard hours or until 03:00 on no more than 12 occasions in any calendar year subject to at least 14 days notification to the Licensing Authority and the Police and the consent of the Police.

31<sup>st</sup> December 07:00 until the appropriate closing hour for 1<sup>st</sup> January

## **6.0 Reason for Hearing**

6.1 Representations have been received from:

- Newark Town Council

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

6.2 In total, 1 relevant representation was received by the Licensing Authority within the prescribed time.

6.3 The representations raised concerns over excessive noise, problems with violence and disorder. The objectors do not believe that the proposed application supports the following licensing objectives:

- The prevention of public nuisance
- The prevention of crime and disorder
- Promoting public safety

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 6**.

6.7 Agreement on times (as shown at the table at 2.1 of this report) has been reached with Nottinghamshire Police.

6.8 No representations have been received from the remaining Responsible Authorities.

## **7.0 Conditions**

7.1 There are no proposed changes to mandatory conditions in Annex 1.

7.2 There are no proposed changes to the conditions attached in Annex 2. However, in the applicant's operating schedule they have proposed the following conditions which will be included in Annex 2:



- A bound and sequentially paginated incident/accident 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 members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every six months. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months
- 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).

## **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 7**.

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 8**.

## 9.0 **RECOMMENDATIONS**

**That Members are asked to consider the variation application and the representations made for White Hind, Carter Gate, Newark and take the steps as it considers appropriate for the promotion of the licensing objectives.**

**The steps available on determination of a variation application are:**

- **To modify the conditions of the licence**
- **To reject the whole or part of the application**

### List of Appendices

Appendix 1 – Application Form

Appendix 2 – Current licence

Appendix 3 – Location plan

Appendix 4 – Photos of premise

Appendix 5 – Representations received

Appendix 6 - Further information requested by local authority

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

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