

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
15 MARCH 2022
10:00 HOURS
MEETING HELD AT
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

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

THE WHITE HIND
3 CARTER GATE
NEWARK
NG24 1UA

SUB – COMMITTEE: Councillor R Jackson (Chairman)
(The Panel) Councillor Mrs B. Brooks
Councillor Mrs S. Michael
Councillor R White

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

Applicant: Richard Belam

Representors: Councillor Jane Olson (Newark Town Council)

Presentation by the Senior Licensing Officer

The Senior Licensing Officer presented to the Panel details of the application made by Richard and Tracey Belam of The White Hind, 3 Carter Gate, Newark NG24 1UA. The report before the Panel presented Members with a summary of the application, the licensing history of the premise and the reasons for the Hearing.

The report set out the legislation in relation to the powers that licensing authorities had, the options available to the Panel and the relevant policies and guidance.

Questions

Councillor Michael queried whether the Police were in agreement with the amended hours and conditions of the application. She also queried whether there had been any issues arising from the use of Temporary Event Notices (TENs) at the premises. The Senior Licensing Officer confirmed that the Police had agreed to the amendment application and that there had been no reported issues arising from the TENs.

Presentation of Application

Mr. Richard Belam advised that he had been a licensee for many years. He stated that there had been changes to both drinking and working patterns with people no longer just going out for a drink on a Friday and Saturday night. Mr. Belam stated that he was trying to provide a venue for people to go to for a drink, noting that there were no other late night establishments. He acknowledged that there were issues which could arise from public houses but that he could help to control those.

In relation to the proposed hours applied for, Mr. Belam stated that he had no intention of opening until 03:00 hours on a Thursday but the hours would offer a degree of flexibility with the premise currently only opening 3 days a week, noting that trade may pick-up after the Easter holidays.

In referring to the TENs, Mr. Belam confirmed that there had been no incidents and that, in turn, had led to the application to vary the premise licence. He added that all the regulations relating to Covid restrictions had been dealt with and the premises had run smoothly throughout that period.

Questions to Applicant

Councillor White queried what steps would be taken to mitigate any potential noise nuisance when customers left the premises in the early hours of the morning. Mr. Belam advised that door supervisors were employed. He added that customers tended to leave the premises quietly once the external lights had been switched off and that the base levels of music playing was reduced as the night progressed. Last orders would be at 02:50 hours, last serving of drinks at 03:10 hours with customers leaving no later than 03:30 hours.

Councillor Jackson queried whether the application to vary the premise had been demand led and whether there were many off-sales. Mr. Belam advised that one of his agreed conditions was to have any empty premise by 03:30 hours and that, in general, he would keep to the 20 minute drinking up time. He stated that he did not have frequent off-sales. If an off-sale was requested, these were supplied in sealed bottles in a bag. If a customer presented as intoxicated requesting an off-sale, they would not be served.

Councillor Jackson also queried whether the door staff were employed during the evening. Mr. Belam advised that they were present from 20:00 hours until the premises were empty. He added that he had door staff working longer hours when the premises had live music on. In response to how frequently live music was played, Mr. Belam said that it was mainly recorded music on a Friday and Saturday. Generally live music took place on a Thursday, noting the potential for live music to be problematic.

Presentation of Representations

Councillor Jane Olson advised that Newark Town Council had 3 areas of concern.

Firstly, noise nuisance, although the Town Council's representation had been based on the hours as originally applied for but noted that loud singing from karaoke could be heard on Appletongate. She advised that it was reassuring that the base levels of music was lowered throughout the evening.

Secondly, there was a concern about violence, adding that there was anecdotal evidence that issues spilled out onto the street.

Questions

Councillor White queried what time of day the voices from karaoke could be heard and whether there was any proof of violence. Councillor Olson advised that the loud voices were during the afternoon and into the evening, but that this had been pre-pandemic. She confirmed that any proof of violence was purely anecdotal.

Councillor Michael queried whether the noise from the karaoke had been reported. Councillor Olson advised that she had heard it when passing through the area but she did not live in that area.

In responding to the points raised by Councillor Olson, Mr. Belam advised of the following:

ASB – staff were able to control the area outside the premise but the objection cited that there had been incidents in the area outside and in the pub. There were many pubs in the area which closed at the same time as The White Hind. Any incidents were not necessarily from his customers. Any incidents of ASB or crime and disorder would be dealt with by pub staff. If they could not deal with it, it would be reported to the Police. Mr. Belam was co-Chairman of the Newark Pub-Watch.

Noise Nuisance – any complaints of noise nuisance were discussed with the Licensing Enforcement Officer. The volume level could be 'tweaked' if necessary and the external speakers could be turned off. A decibel reading had recently been undertaken. The level was recorded as 40 at the highest with an average of 35. 45 is the 'complaint level'. The premise and its door staff had control of the DJ's music levels. There was no wish to upset residents or businesses in the area.

The Panel's Legal Advisor queried how Mr. Belam would control issues surrounding other pubs closing at 02:00 hours and his premise closing at 03:00 hours. Mr. Belam stated that the Police had advised him not to put a last entry time on as it created the potential for problems. His door staff would use their experience to refuse entry to person who were already intoxicated. The maximum occupancy at the premise was 150 but usually it is lower at 100, which is a controllable number. When other premises close, their door staff then go to the White Hind to work there for the remainder of the night. The premise actively used the Challenge 25 policy and checked customers' ID.

Summing Up

Councillor Jane Olson

Councillor Olson thanked Mr. Belam for his reassurances. She stated that the representations were sent on behalf of residents and businesses in an attempt to not see an increase in incidents of ASB. She acknowledged that there had been no direct complaints to the Town Council.

Mr. Richard Belam

In relation to ASB, Mr. Belam stated that he had and would continue to attend all training courses offered by the Council e.g. SIA; Stand by Her. He was proactive in trying to prepare for the worst but mindful that he could not control every customer's behaviour. If an incident occurred which he would not resolve, he would contact the Police.

Decision

The decision of the Licensing Hearing Panel was to grant the variation of the premise licence subject to the following hours and conditions:

1. The opening hours and hours for licensable activities would be:

Opening hours	Monday – Wednesday	08.00-02.30
	Thursday – Saturday	08.00-03.30
	Sunday	09.00-02.30
Supply of Alcohol (both on and off sales)	Monday – Wednesday	08.00-02.00
	Thursday – Saturday	08.00-03.30
	Sunday	09.00-02.00
Provision of live music (indoors)	Thursday – Saturday	19.00-02.30
	Sunday	16.00- 02.00
Provision of recorded music (indoors)	Sunday – Wednesday	10.00-02.00
	Thursday – Saturday	10.00-03.30
Provisions of Late night refreshment (indoors)	Sunday – Wednesday	23.00-02.00
	Thursday – Saturday	23.00-03.30

2. The conditions set out in the applicants operating schedule and set out on Agenda page 11 will be attached to the licence.

These related to

- having a bound and sequentially paginated incident or accident book or electronic record of all instances of disorder, damage to property and personal injury at the premises being retained (and made available on request for inspection or copying by police or other authorised person) for at least 12 months.

- All staff members to be fully trained in retail sale of alcohol and such training shall be ongoing and reviewed every 6 months. All details of level of training to be recorded in a bound and sequentially paginated book or electronic record. The book or electronic record shall be made available for inspection /copying by the police or other authorised person. Such records shall be retained 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.

3. All other conditions on the existing licence to remain in force

Meeting closed at 11.00 am.