

LICENSING SUB-COMMITTEE

3 APRIL 2023

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of Report

1.1 For Members to consider an application for a premise licence for 18 Castle Gate, Newark, NG24 1BG.

2.0 Introduction

2.1 The application for a new premises licence has been submitted by the Corn Exchange Newark Ltd. and in summary the application seeks to licence the ground and first floors of the premise from 08:00 to 02:00 or 03:00 in the week and from 08:00 to 04:00 at weekends.

2.2 Set out below are the proposals contained within the application:

Activity	Proposed timings
Plays (Indoors)	08:00 to 23:00 (Daily)
Films (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day
Live Music (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day
Recorded Music (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day
Performances of dance (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day
Anything of a similar description (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day
Late night refreshment (Indoors)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:30 following day Friday to Saturday 08:00 to 04:30 following day
Supply of alcohol (both on premises and premises)	Monday to Wednesday 08:00 to 02:00 following day Thursday and Sunday 08:00 to 03:00 following day Friday to Saturday 08:00 to 04:00 following day

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

3.0 The Application Premises

3.1 The premise subject to this application is 18 Castle Gate, Newark, Notts., NG24 1BG

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

4.0 Licensing History

- 4.1 The Corn Exchange, which has been known under various names Time & Diva, Time & Arabesque, Time & Glitterball applied for a conversion and variation of their licence when the powers to licence a premise transferred from the magistrates court to the local authority in 2005. The original licence was granted following a hearing on 15.9.2005. A copy of this licence can be found at **Appendix 3A** to this report.
- 4.2 This licence lapsed on 24.12.2011 as the licence holder went into administration.
- 4.3 The licensing authority received an application for new premise licence on 8.7.2014, this was granted following a hearing on 28.8.2014. A copy of this licence can be found at **Appendix 3B** to this report.
- 4.4 The licensing authority received an application for a variation to a premise licence on 2.12.2014, this licence was granted following a hearing on 26.1.2015. A copy of this licence can be found at **Appendix 3C** to this report.
- 4.5 A copy of the current licence for 18 Castle Gate, Newark can be found at **Appendix 3D** to this report. The application for a new premise licence was received 2.7.2020, which went to a hearing on 21.8.2020. The Hearing granted the licence with amendments to the times and with additional conditions. The applicant appealed the decision following discussions with applicant a consent order was agreed between all parties on the 16.5.2022.
- 4.6 The application that has been submitted is for licensing the ground and first floor of the building only. The application seeks no additional times for opening or the sale of alcohol as it mirrors the hours of the current licence for the whole building - albeit for an extra 30 minutes for late night refreshments (hot food and drink) on a Thursday. The applicant has confirmed that he has a prospective tenant to take over the ground and first floor of the building. The applicant could allow his prospective tenant to operate now under the terms of current licence 002487 but has chosen to apply to licence part of the building for them to operate under their own licence. It is a common practice in the bigger towns and cities to have two licences for the same premises, as it is a way of landlords safeguarding their licence. If this tenant was to become insolvent then it would be this new licence that would lapse and not the one for the whole site and therefore Corn Exchange Newark Ltd would be able to open up and trade in these areas using the licence for the whole building 002487. If this application is refused, the applicant could still open under the existing licence.
- 4.7 If this application is refused, the applicant could still open under the existing licence.
- 4.8 A summary of Appendix 3A, 3B, 3C and 3D licensable hours and activities are set out below:

Licence	Licensable Activities/Timings
Licence 170 (full licence found at Appendix 3A)	<p>A Standard Times</p> <p>1. Regulated Entertainment (a) films, b) live music, c) recorded music, d) performance of dance e) provision of facilities for making music, f) dancing</p> <p>a. Categories a, b, d, e, and f above Monday to Sunday – 10:00 to 02:45 the following day</p> <p>b. Category c above Monday to Sunday – 00:01 to 00:00</p> <p>2. Late Night Refreshment</p>

	<p>Monday to Sunday – 23:00 – 02:45 the following day</p> <p>3. The supply of alcohol Monday to Sunday – 10:00 to 02:45 the following day</p> <p>B Non Standard Times</p> <p>1. All licensable activities 31st December 10:00 to 02:00 on 2nd January</p> <p>All of the above terminal hours are extended by one hour on the day when British Summertime commences.</p> <p><u>Opening hours</u></p> <p>A Standard Times Monday to Sunday – 10:00 to 03:00 the following day</p> <p>B Non Standard Times</p> <p>1. 31st December 10:00 to 02:20 on 2nd January</p> <p>The standard closing time will be extended by one hour on the day when British Summertime commences</p>
<p>Licence 1958 granted 28.8.2014 (full licence found at Appendix 3B)</p>	<p>A Standard Times</p> <p>1. Regulated Entertainment (plays, indoor sporting events, live music, recorded music, performances of dance, anything similar to aforementioned) Sunday to Thursday: 08:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:30 the following day</p> <p>2. Late night refreshment: Sunday to Thursday: 23:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:30 the following day</p> <p>3. The Supply of alcohol Sunday to Thursday: 08:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:30 the following day</p> <p>B Non Standard Times</p> <p>1. Regulated Entertainment (categories c, d, e and f in the above box) New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p> <p>2. Late night refreshment: New Years Day: 00:00 to 05:00 and 23:00 to 23:59 Christmas Day: 00:00 to 05:00 and 23:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 23:00 to 23:59</p> <p>3. The Supply of alcohol New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p> <p><u>Opening hours</u></p> <p>A Standard Times Sunday to Thursday 08:00 to 01:00 the following day Friday to Saturday 08:00 to 03:00 the following day</p> <p>B None Standard Times New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p>

<p>Licence 1958 granted 26.1.2015 (full licence can be found at Appendix 3C)</p>	<p>A Standard Times</p> <p>4. Regulated Entertainment(plays, indoor sporting events, live music, recorded music, performances of dance, anything similar to aforementioned): Sunday to Thursday: 08:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:45 the following day</p> <p>5. Late night refreshment: Sunday to Thursday: 23:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:30 the following day</p> <p>6. The Supply of alcohol Sunday to Thursday: 08:00 to 00:30 the following day Friday and Saturday: 08:00 to 02:30 the following day</p> <p>B Non Standard Times</p> <p>4. Regulated Entertainment (categories c, d, e and f in the above box) New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p> <p>5. Late night refreshment: New Years Day: 00:00 to 05:00 and 23:00 to 23:59 Christmas Day: 00:00 to 05:00 and 23:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 23:00 to 23:59</p> <p>6. The Supply of alcohol New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p> <p><u>Opening hours</u></p> <p>A Standard Times Sunday to Thursday 08:00 to 01:00 the following day Friday to Saturday 08:00 to 03:00 the following day</p> <p>B None Standard Times New Years Day: 00:00 to 23:59 Christmas Day: 00:00 to 23:59 Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p>
<p>Licence 002487 (full licence can be found at Appendix 3D)</p>	<p>1 Regulated Entertainment – All activities (Indoors and outdoors) (Outdoors limited to a maximum four day in total per week) Monday to Wednesday from 0800hrs to 0200hrs the following day. Thursday and Sunday from 0800hrs to 0300hrs the following day. Friday and Saturday from 0800hrs to 0400hrs the following day.</p> <p>2 Supply of alcohol Monday to Wednesday from 0800hrs to 0200hrs the following day. Thursday and Sunday from 0800hrs to 0300hrs the following day. Friday and Saturday from 0800hrs to 0400hrs the following day.</p> <p>3 Late Night Refreshment Monday to Wednesday from 0800hrs to 0200hrs the following day. Thursday and Sunday from 0800hrs to 0300hrs the following day. Friday and Saturday from 0800hrs to 0400hrs the following day.</p> <p><u>Opening hours</u> Monday to Wednesday from 0800hrs to 0200hrs the following day.</p>

	Thursday and Sunday from 0800hrs to 0330hrs the following day. Friday and Saturday from 0800hrs to 0430hrs the following day.
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5.0 Premise with Licensable Activities in the Surrounding Area

5.1 There are a few premises within close proximity to the application site, the closest licensed premises being located at:

- Swan & Salmon, 34 Castle Gate, Newark, NG24 1BG
- Flying Circus, 53 Castle Gate, Newark, NG24 1BE
- Prince Rupert, 46 Stodman Street, NG24 1AW

5.2 This table shows the licensable activities for the above premise:

Premise name	Licensing Hours
Swan & Salmon, 34 Castle Gate, Newark, NG24 1BG	<p>1. Regulated Entertainment Films – Monday to Sunday 07.00 to 02.00 the following day Live music – Monday to Sunday 07.00 to 02.00 the following day (indoors) – Sunday to Friday 19:00 to 22:00 (outdoors) - Saturday 16:00 to 22:00 (outdoors) Recorded music – Monday to Sunday 07.00 to 02.00 the following day (indoors) - Monday to Thursday 11:00 to 22:00 (outdoors) - Friday 11:00 to 22:00 Friday (outdoors) - Saturday to Sunday 09:00 to 22:00 (outdoors) Provision of facilities for dancing – Monday to Sunday 07.00 to 02.00 the following day Provision of facilities for entertainment of a similar description to that falling within i or j – Monday to Sunday 07.00 to 02.00 the following day</p> <p>2. Late night refreshment – Monday to Sunday 23.00 to 02.00 the following day</p> <p>3. Supply of alcohol - Monday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 24:00 Sunday 12:00 to 22:30</p> <p><u>The opening hours of the premises</u> Monday to Thursday 11:00 to 23:20 Friday 11:00 to 00:20 Saturday 09:00 to 00:20 Sunday 09:00 to 22:50</p>
Flying Circus, 53 Castle Gate, Newark, NG24 1BE	<p>A Standard Times</p> <p>1. Regulated Entertainment (Live Music, Recorded Music, Anything Similar to aforementioned, provision of facilities for making music, films) a. All categories permitted by this licence except the provision of Live Music Sunday to Thursday –10:00 to 00:00</p>

	<p>Friday & Saturday – 10:00 to 01:00 the following day</p> <p>b. The provision of Live Music Monday to Sunday – 10:00 to 00:00</p> <p>2. The Supply of alcohol by retail Sunday to Thursday –10:00 to 00:00 Friday & Saturday – 10:00 to 01:00 the following day</p> <p>B Non Standard Times</p> <p>1. Regulated Entertainment – all categories permitted by this licence except the provision of Live Music Bank Holiday Mondays – 10:00 to 01:00 the following day 24th, 26th and 31st December 10:00 to 01:00 the following day</p> <p>2. The supply of alcohol by retail Bank Holiday Mondays – 10:00 to 01:00 the following day 24th, 26th and 31st December 10:00 to 01:00 the following day</p> <p><u>Opening hours</u></p> <p>A Standard Times Sunday to Thursday –10:00 to 00:30 Friday & Saturday – 10:00 to 01:30 the following day</p> <p>B Non Standard Times Bank Holiday Mondays – 10:00 to 01:30 the following day 24th, 26th and 31st December 10:00 to 01:30 the following day</p>
<p>Prince Rupert, 46 Stodman Street, NG24 1AW</p>	<p>A Standard Times</p> <p>1. Regulated Entertainment (films, indoor sporting events, live music, recorded music, anything similar to the aforementioned)</p> <p>a. all categories permitted by this Licence except the provision of Live Music Sunday to Thursday – 10:00 to 00:00 Friday & Saturday – 10:00 to 01:00 the following day 31st December – 10.00 to 01.00 the following day</p> <p>b. The provision of Live Music Monday to Sunday – 10:00 to 00:00</p> <p>2. The supply by retail of alcohol Sunday to Thursday – 10:00 to 00:00 Friday & Saturday – 10:00 to 01:00 the following day</p> <p>B Non Standard Times</p> <p>1. Regulated Entertainment – all categories permitted by this licence except the provision of Live Music Sundays prior to Bank Holiday Monday and Bank Holiday Mondays – 10:00 to 01:00 the following morning 24th December and 26th December falling on Sunday to Monday – 10:00 to 01:00 the following morning 31st December – 10:00 to 00:00 on 1st January</p> <p>3. The supply by retail of alcohol Sundays prior to Bank Holiday Monday and Bank Holiday Mondays – 10:00 to 01:00 the following morning 24th December and 26th December falling on Sunday to Monday – 10:00 to 01:00 the following morning 31st December – 10:00 to 01:00 on the following day</p> <p><u>Opening hours</u></p> <p>A Standard Times Sunday to Thursday – 08:00 to 00:30 the following day Friday & Saturday – 08.00 to 01:30 the following day</p>

	B Non Standard Times Sundays prior to Bank Holiday Monday and Bank Holiday Mondays – 08:00 to 01:30 the following morning 24 th December and 26 th December falling on Sunday to Monday – 08:00 to 01:30 the following morning 31 st December – 08.00 to 01:30 the following day
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6.0 Reason for Hearing

6.1 Representations have been received from:

- Anthony Aspbury, 1-5 Mill Gate, Newark, NG24 4TS

A copy of their representations are attached as **Appendix 4**.

6.2 The representation received raised concerns over disorder and nuisance that patrons using this premise will cause. The objectors do not believe that the proposed application supports the following licensing objectives:

- The prevention of crime and disorder
- Public Safety
- Prevention of Public nuisance

6.3 Further information was requested by the local authority and can be found in **Appendix 5**.

6.4 No agreement has been reached between the applicant and the objector.

6.5 Nottinghamshire Police and Environmental Health raised objections regarding the application and subsequently withdrew their objections having agreed conditions with the applicant. These are shown at 7.2 and 7.3 of this report.

6.6 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

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 agreed with Nottinghamshire Police

1. SIA licensed door supervisors shall be employed at the premises on Friday & Saturday evenings from 2200 hours until close, at a ratio of 3 on a Friday and 4 on a Saturday. A bound and sequentially paginated book or electronic record containing names, addresses and full SIA licence number(s) of door supervisors shall be maintained and kept for a period of twelve months and be available for inspection by the police or any other authorised person upon request.
2. 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 for 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.

7.3 **Annex 2 Conditions agreed with Environmental Health**

1. Before the premises is used for regulated entertainment, the premises licence holder must submit a noise assessment by a specialist noise consultant. The report shall provide:
 - an assessment of the likely impact of this noise from the premises at any nearby noise sensitive properties;
 - details of any noise control measures identified as being necessary to prevent disturbance to residents of any nearby noise sensitive properties.
2. Noise control measures approved by the Council must be implemented before the premises is used for regulated entertainment and maintained thereafter.
3. The location and operation of amplified sound equipment an manner of operation would likely be a feature of the noise assessment and therefore any specific condition that relates to that must be informed by the assessment.

7.4 **Annex 2 Conditions proposed within the Operating Schedule**

The following conditions will be applied to the licence from the applicants operating schedule:

1. 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
2. Risk assessment for additional SIA staff shall be recorded and adhered to at all times, and be available upon demand by responsible authorities, and retained for at least 12 months.
3. Off sales are only permitted in sealed containers.
4. No persons carrying open, or sealed, vessels shall be admitted to the premises at any time.
5. No off sales will be made between the hours of 2200 hours and 1200 hours.

6. No food and/or drinks shall be taken outside of the premises, including to the smoking area, between the hours of 2300 hours and 07:00 hours on any day.
7. Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.
8. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to control the level of noise so as not to cause a disturbance to residents.
9. All local residents will be issued with direct methods of communication to the DPS, so that they can report any concerns.
10. The disposal of empty glass bottles shall not be undertaken externally from 2200hrs until 0800hrs on the following day.
11. A free phone service will be offered to all customers to call a taxi to collect from immediately outside of the premises.
12. No under 18 events without explicit agreement with Nottinghamshire Police (likely applied for through TEN application).
13. We shall, at all times, enforce an enhanced challenge policy.
 - Challenge 21 will include the use of two forms of ID, at least one being photographic
 - Challenge 25 a single form of photographic ID.
14. A bound and sequentially paginated incident/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/incident;
 - 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.
15. The venue will be for the use of over 18 only after 2200 hours.
16. On occasion where the venue has permitted under-18 person in before 2200 hours, there will be a closure period of no less than 15 minutes, where all customers would leave and the venue be checked before reopening.

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 Chapters 6, 7 and 8 of the Statement of Licensing Policy are considered particularly relevant to this application. This is attached as **Appendix 6**

8.3 When considering this application for a new licence the panel may wish to consider Chapters 8, 9 and 10 of the Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 – December 2022. This is attached as **Appendix 7**

9.0 RECOMMENDATION

That Members consider the premise licence application and the representations made for 18 Castle Gate, Newark, NG24 1BG and take the steps as it considers appropriate for the promotion of the licensing objectives.

The steps available on determination of a new premise licence 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 plan

Appendix 2 – Photographs of the site

Appendix 3A – Copy of licence number 000170

Appendix 3B – Copy of licence 001568 dated 28.8.2014

Appendix 3C – Copy of licence 001568 dated 26.1.2015

Appendix 3D – Copy of licence 002487

Appendix 4 – Representation Received

Appendix 5 – Further Information Received

Appendix 6 - NSDC Statement of Licensing Policy

Appendix 7 – Statutory Guidance – Chapters 8, 9 and 10