

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
3 APRIL 2023
10:00 HOURS
MEETING HELD AT
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

HEARING TO CONSIDER AN APPLICATION FOR A
PREMISES LICENCE

18 CASTLE GATE
NEWARK
NG24 1BG

SUB – COMMITTEE: Councillor Mrs R Crowe (Chairman)
(The Panel) Councillor L. Brazier
Councillor R White

ALSO IN ATTENDANCE: Jack Kent (Legal Advisor - NSDC)
Nicola Rowlands (Senior Licensing Officer - NSDC)
Lilia Tsepov (Legal Team Work Placement)

Applicant: Matthew Clark

Representors: Anthony Aspbury

Presentation by the Senior Licensing Officer

The Senior Licensing Officer presented to the Panel details of the application made by Matthew Clark for 18 Castle Gate, Newark. 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.

Presentation of Application

Mr Matthew Clark explained to the Panel that he believed that Newark Town would benefit from a late night venue, which had robust management and conditions on the licence. The anti-social behaviour associated with the venue was historical and the same patrons would not be visiting the venue. He noted there were no comments from the Police or Environmental Health associated with the application.

Questions to Applicant

Councillor R. White asked how the applicant would ensure that any people under the age of 18 would be removed from the venue by 10:15pm in accordance with the licence

conditions and Mr Clark explained that security would be employed and could remove any people under the age of 18 as required. He also stated that he would not routinely have SIA trained security staff employed unless it was deemed appropriate by risk assessment where the venue was opening beyond 1am.

The applicant confirmed that he was willing to remove the request for late night refreshment until 3:30am on a Thursday as this had been included in error. Negotiations were on going with an operator to run a restaurant in the basement and rear of the property which would likely be subject to a new licence application if it was to go ahead.

Presentation of Representations

Mr Anthony Aspbury was in attendance and raised concern over the application. He explained that as a resident of the Town he was used to late night drinking establishments in the town and acknowledged the importance of these contributing to the night-time economy. However, he raised objection to premises which accommodated large numbers of people due to the issues of crime and anti-social behaviour and disorder when people left the premises. Mr Aspbury did not feel that the Committee took account of the impact for the residential population of the Town Centre of large venues such as the one proposed. He felt that large venues had historically fostered a culture of binge drinking which fuelled anti-social behaviour and that this would continue. He believed that no extensions to the licence should have been granted until the venue had been open and monitored. Mr Aspbury urged the Council to consider a holistic approach towards encouraging people to reside within and use the Town Centre and creating a vibrant and healthy community within which to do so.

Questions

Mr Clark asked Mr Aspbury when he last visited a nightclub and whether he felt that the present generation should be punished for the mistakes of previous generations. Mr Aspbury answered that he had attended nightclubs recently abroad which had been well managed. Mr Aspbury also explained that did not agree that anyone should be punished but that residents of the Town deserved a reasonable life and that poor behaviour associated with the premises would have an impact on the Town, the residents of the Town and its reputation. Mr Aspbury confirmed that he did not have any further requests to add to the conditions for the licence.

Summing Up

Mr Matthew Clark

Mr Clark reiterated that the application was a shadow licence, mirroring the licence already in place and under which the venue could operate. He believed that opening the venue would help improve trade within the Town Centre and benefit the community.

Decision

Having considered all of the above in detail and based on the findings set out below:

The Panel's decision was to grant the licence as follows:

Activity	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 03:00 following day Friday and Saturday 08:00s to 04:00 following day
Supply of alcohol (both on premises and off 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

The following conditions shall be applied to the licence:

1. The mandatory condition, which apply to licences granted under the Licensing Act 2003 and set out at Annex 1 of the committee report shall apply to the licence
2. The conditions agreed by the applicant with Nottinghamshire Police and Environmental Health and the conditions proposed within the Operating Schedule as set out in Annex 2 of the committee report shall apply to the licence.

Reasons for Decision

The Panel spent time listening to and reading the information provided on behalf of the Applicant and of the objector.

They then gave detailed consideration in private to what they had learnt and the Licensing Act, Council Policy and legal advice before making their decision.

The Panel concluded that, given the application was for a mirror licence to that already granted for the whole of the building under licence 002487, the granting of this licence for the first and ground floor was not likely to negatively impact on any of the four Licensing Objectives. The Panel concluded it would be unreasonable to impose any further conditions over and above those already present in the whole building licence.

The Panel considered the extra half an hour difference on Thursday for late night refreshments (hot food and drink) within the application form and licence 002487 (03:00 to 03:30). The Panel considered the representations of the applicant that this was an error on the application form and concluded that this be altered to 03:00 to mirror licence 002487.

Appeals

A premises licence holder or applicant or a person who made relevant representations may appeal against the outcome of a hearing. Any such appeal must be made to the Magistrates' Court for the area in which the premises concerned are situated and must be commenced by a notice of appeal to the Justices for the relevant court within 21 days beginning with the day on which the party was notified of the decision.

Meeting closed at 10.47 am.

Chairman