

LICENSING SUB-COMMITTEE

4 AUGUST 2020

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of report

1.1 For Members to consider an application for a premise licence for 29 Appleton Gate, Newark, NG24 1JR.

2.0 Introduction

2.1 The application for a new premises licence has been submitted by Abdul Jabbar and in summary the application seeks to licence the premise from 08:30 hours to 22:00 hours, Monday to Saturday and 10:00 hours to 22:00 hours Sunday.

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

Activity	Proposed timings
Supply of Alcohol	08:30 to 22:00 Monday to Saturday 10:00 to 22:00 Sunday
Opening Hours	08:30 to 22:00 Monday to Saturday 10:00 to 22:00 Sunday

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

3.0 The Application Premises

3.1 The premises subject to this application is 29 Appleton Gate, Newark,

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 These premises have not held a licence previously.

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:

- Morrisons, Kings Road, Newark, NG24 1EW
- 14B Barnby Gate, Newark, NG24 1PZ
- Unit 4, Barnby House, Newark, NG24 1PZ

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

Premise name	Licensing Hours
Morrisons, Kings Road, Newark, NG24 1EW	Daily 06:00 to 24:00
14B Barnby Gate, Newark, NG24 1PZ	Monday to Saturday 09:00 to 22:00 Sunday 11:00 to 19:00
Unit 4 Barnby House, Barnby Gate, Newark	Daily 06:00 to 23:00

6.0 Reason for Hearing

6.1 Representations have been received from:

- Ms D Tatham, 23 Appleton Gate, Newark, NG24 1JR
- Mr H S Wiersma, 23 Appleton Gate, Newark, NG24 1JR
- Ms H Horton, 33 Appleton Gate, Newark, NG24 1JR
- Mr J Horton, 33 Appleton Gate, Newark, NG24 1JR
- Mrs P Marriot, 16A Appleton Gate, Newark, NG24 1JY
- Peter Searle, Kirkwood, 4 North Church Walk, NG24 1GX

A copy of their representations are attached as **Appendix 3**.

6.2 A map showing the location of the majority of these representors can be found in **Appendix 4**.

6.3 The representations 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 public nuisance

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

6.5 No agreement has been reached between the applicant and the objectors.

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 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**

Applicant and Police Agreed Conditions

1. A CCTV system with recording equipment shall be installed and recorded on the plan appended to the licence. The system shall be installed prior to the premises carrying out licensable activities and maintained in accordance with the system.

All recordings used in conjunction with CCTV shall:

- be of evidential quality
- Cover the point of sale, and entrance and exit
- indicate the time and date
- be retained for a period of 31 days
- Sufficient staff will be trained to use the system
- The original images will be made available for inspection immediately upon the request of Police officers, or other authorised officers.

Copies of recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be retained at the premises for a minimum period of 12 months and available for inspection upon request by a Police Officer and/or authorised person.

3. 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). Challenge 25 notices shall be displayed in prominent positions throughout the premises.

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 - April 2018. This is attached as **Appendix 7**.

9.0 RECOMMENDATION

That Members consider the premise licence application and the representations made for 29 Appleton Gate, Newark 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

Appendix 2 – Plan of Site and photos

Appendix 3 – Representations Received

Appendix 4 – Map showing location of premises and representors

Appendix 5 – Further information Received

Appendix 6 – NSDC Statement of Licensing Policy

Appendix 7 – Statutory Guidance