

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
4 AUGUST 2020
10:00 HOURS

BROADCAST FROM
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY
*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

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

29 APPLETON GATE, NEWARK NG24 1JR

SUB – COMMITTEE: Councillor I. Walker (Chairman)
Councillor Mrs K. Arnold
Councillor Mrs B. Brooks
Councillor Mrs Y. Woodhead

ALSO IN ATTENDANCE: Caroline O’Hare (Senior Legal Advisor - NSDC)
Nicola Kellas (Licensing Officer - NSDC)
Alan Batty (Business Manager – Public Protection - NSDC)

Applicant: Mr. Abdul Jabbar
Mr. Jabbar’s Landlord

Representors: Mr. Peter Sharpe
Mr. Herb Wiersma

In opening proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic and that the proceedings would be livestreamed on social media e.g. YouTube.

Prior to the commencement of the Hearing, the Panel’s Legal Advisor advised all parties of the key considerations for determining the application to grant the premises licence. She acknowledged the already agreed conditions between the applicant and the Police and reminded those present that any decision must promote the four licensing objectives. She advised that any decision must be justified and proportionate to the full circumstances relevant to the application and any applied conditions, should the licence be granted, must be reasonable.

Presentation by Licensing Officer

The Licensing Officer presented to the Panel details of the application made by Mr. Jabbar. The report before the Panel presented Members with a summary of the application. It also noted other licensed premises in the area and that representations had been received in relation to the application.

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

Applicant's Case

Mr. Jabbar advised the Licensing Panel that the application had been submitted in order to permit the sale of alcohol from the premises.

Mr. Sharpe queried how Mr. Jabbar saw his premise and the kebab shop next door working as a combined unit. Mr. Jabbar stated that they were two separate premises and not in any way linked.

The Licensing Panel's Legal Advisor queried whether Mr. Jabbar had commenced trading. Mr. Jabbar confirmed that he would not be trading until after the licence was granted. He also referred to the litter and late night entertainment which took place at the nearby Palace Theatre.

Councillor Mrs Brooks queried whether Mr. Jabbar intended to sell groceries as well as alcohol. Mr. Jabbar confirmed that he would be selling both. In relation to the number of staff he would employ, he confirmed that he would initially work alone in the premise as it was a new business but would employ another person at a later date. He advised the Licensing Panel of his qualifications, training and previous experience and that he proposed to operate the Challenge 25 Scheme. He also stated that any future employee would have the necessary and appropriate training to prevent the sale of alcohol to underage individuals. He confirmed that sales at the premises would be mostly groceries.

Representors' Case

Mr. Sharp referred the Licensing Panel to his written submission. He added that he lived adjacent to the Mary Magdalene Park which suffered from anti-social behaviour and drunken individuals in the area throughout the day. He stated that another source of alcohol would exacerbate the situation and that an increase in anti-social behaviour would ensue.

Mr. Wiersma endorsed the comments of Mr. Sharpe, adding that he was concerned about the potential increase in noise nuisance. He stated that he believed the applicant to be a responsible person but had doubts that the Police had sufficient resources to manage the increase in anti-social behaviour. He referred to the provision of CCTV, stating that this did little to actually prevent anti-social behaviour. He stated that there were vulnerable people in the area and that a further opportunity to purchase alcohol would create further disturbance.

In response, Mr. Jabbar queried whether any of the existing nuisance had been reported to the Police and, if so, would the crime report reference number be provided in order for the Licensing Authority to confirm that it was a genuine. Mr. Sharpe confirmed that he had reported a broken window to the Police and would be able to provide a crime number if required.

Mr. Jabbar added that the area was subject to a one-way road system and that the Police would be required to drive down the road on their way back to the Police Station. He added further that people often sat on the Palace Theatre steps drinking and that the large lorries that collected equipment from performances held at the theatre had potential to create a noise nuisance also.

Summary

The Representors confirmed that they had nothing further to add to their previous statements.

Mr. Jabbar stated that, should the licence be granted, he would be closing his premise at 10pm. If there was already disturbance in the area it was not due to the sale of alcohol from his premise as it was not yet in operation. He confirmed that he would not be serving open drinks to any customer.

Decision

The decision of the Licensing Panel was to:

1. Grant the licence for the hours in the application;
2. The mandatory conditions which apply to licences granted under the Licensing Act 2003 and set out at annex 1 (p 4-7) of the committee report would apply to the licence; and
3. The Conditions agreed by the Applicant and Nottinghamshire Police (set out in the hearing papers as Annex 2 be approved.