

LICENSING SUB-COMMITTEE

24 SEPTEMBER 2020

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of Report

1.1 For Members to consider an application to vary the premise licence for the Swan & Salmon, 34 Castle Gate, Newark, NG24 1BG.

2.0 Introduction

2.1 The application for a variation to the premises licence has been submitted by T J Inns and in summary the application seeks to licence the outside bar as part of the premise licence as it is not included in the current licence.

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

Activity	Proposed timings
Live Music (outdoors)	19:00 to 00:00 Sunday to Friday 16:00 to 00:00 Saturday
Recorded Music (outdoors)	11:00 to 23:00 Monday to Thursday 11:00 to 00:00 Friday 09:00 to 00:00 Saturday 09:00 to 22:30 Sunday
Supply of alcohol (both on premises and off premises)	11:00 to 23:00 Monday to Thursday 11:00 to 24:00 Friday to Saturday 12:00 to 22:30 Sunday

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

2.4 On receipt of the Notice of Hearing the applicant has now amended the application as set out in the below table:

Activity	Proposed timings
Live Music (outdoors)	19:00 to 22:00 Sunday to Friday 16:00 to 22:00 Saturday
Recorded Music (outdoors)	11:00 to 22:00 Monday to Thursday 11:00 to 22:00 Friday 09:00 to 22:00 Saturday 09:00 to 22:00 Sunday
Supply of alcohol (both on premises and off premises)	11:00 to 23:00 Monday to Thursday 11:00 to 24:00 Friday to Saturday 12:00 to 22:30 Sunday

3.0 The Application Premises

3.1 The premises subject to this application is Swan and Salmon, 34 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 Swan and Salmon, 34 Castle Gate, Newark, NG24 1BG has been known under various names: Kelly’s Tavern; The Moorings; and Water’s Edge. A new premise licence was applied for on 1 July 2010 and was granted as applied for on 30 July 2010.

4.2 A copy of the current licence for 34 Castle Gate, Newark can be found at **Appendix 3** to this report.

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:

- Atrium, 69 Castle Gate, Newark, NG24 1BE
- 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
Atrium, 69 Castle Gate, Newark, NG24 1BE	<p>A <u>Standard Times</u></p> <ol style="list-style-type: none"> 1. Regulated Entertainment <ol style="list-style-type: none"> a. All categories permitted by this licence except live music Sunday to Wednesday 08:00 to 01:00 the following day Thursday to Saturday 08:00 to 03:00 the following day b. The provision of Live Music Monday to Sunday – 08:00 to 00:00 2. Late night refreshment Sunday to Wednesday 23:00 to 01:00 the following day Thursday to Saturday 23:00 to 03:00 the following day 3. The supply of alcohol Sunday to Wednesday – 08:00 to 01:00 Thursday to Saturday – 08:00 to 03:00 the following day <p>B <u>Non Standard Times</u></p> <ol style="list-style-type: none"> 1. Regulated Entertainment – (all categories permitted by this licence except live music) Where 24th December falls on a Sunday to Wednesday – 08:00 to 03:00 the following day Where 26th December falls on a Sunday to Wednesday – 08:00 to 03:00 the following day All Sundays preceding a Bank Holiday – 08:00 to 03:00 the following day If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences. <u>Regulated Entertainment – all categories permitted by this licence</u> From the standard start timing on 31st December to the standard start timing on 1st January.

	<p>2. <u>Late night refreshment</u> Where 24th December falls on a Sunday to Wednesday – 23:00 to 03:00 the following day Where 26th December falls on a Sunday to Wednesday – 23:00 to 03:00 the following day All Sundays preceding a Bank Holiday – 23:00 to 03:00 the following day If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences. From the standard start timing on 31st December to the standard start timing on 1st January.</p> <p>3. <u>The supply of alcohol</u> Where 24th December falls on a Sunday to Wednesday – 08:00 to 03:00 the following day Where 26th December falls on a Sunday to Wednesday – 08:00 to 03:00 the following day All Sundays preceding a Bank Holiday – 08:00 to 03:00 the following day If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences. From the standard start timing on 31st December to the standard start timing on 1st January.</p> <p><u>Opening hours</u></p> <p>A <u>Standard Times</u> Sunday to Wednesday – 08:00 to 01:30 the following day Thursday to Saturday – 08:00 to 03:30 the following day</p> <p>B <u>Non Standard Times</u> An additional 30 minutes after the non-standard finish timings for the licensable activities. On 24th and 26th December and Sundays preceding Bank Holidays – 08:00 to 03:30 the following day</p>
<p>Flying Circus, 53 Castle Gate, Newark, NG24 1BE</p>	<p>A Standard Times</p> <p>1. Regulated Entertainment (Live Music, Recorded Music, Anything Similar to aforementioned, provision of facilities for making music, films)</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</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> <ol style="list-style-type: none"> 1. Regulated Entertainment (films, indoor sporting events, live music, recorded music, anything similar to the aforementioned) <ol style="list-style-type: none"> 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 b. The provision of Live Music Monday to Sunday – 10:00 to 00:00 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>B Non Standard Times</p> <ol style="list-style-type: none"> 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 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><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> <p>B Non Standard Times Sundays prior to Bank Holiday Monday and Bank Holiday Mondays – 08:00 to 01:30 the following morning 24th December and 26th December falling on Sunday to Monday – 08:00 to 01:30 the following morning 31st December – 08.00 to 01:30 the following day</p>

6.0 Reason for Hearing

6.1 Representations have been received from:

- Objector 1
- Objector 2
- Millgate Conservation Society

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

- 6.2 A map showing the location of the premise and the locality of some of the representors can be found in **Appendix 5**.
- 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 crime and disorder
 - Public Safety
 - Prevention of Public nuisance
 - Protection of children from harm
- 6.4 Further information was requested by the local authority and can be found in **Appendix 6**.
- 6.5 No agreement has been reached between the applicant and the objectors.
- 6.6 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.
- 6.7 No representations have been received from the remaining Responsible Authorities.

7.0 Conditions

- 7.1 There are no proposed changes to the mandatory conditions in Annex 1.
- 7.2 The applicant and Nottinghamshire Police have agreed to the following condition being added at Annex 2:

Applicant and Police Agreed Conditions

A minimum of one suitably trained SIA registered door supervisor shall be on duty from 19:00hrs within the outside bar area when the outside bar is being used for the supply of alcohol. This condition may be disappplied and reinstated by written agreement with the Police at least 2 working days prior to the date and time of the disapplication/reinstatement and such written agreement retained at the premises. This condition will also include Bank Holiday Sunday, New Year's Eve and Halloween.

- 7.3 The applicant has proposed the following conditions as part of the operating schedule:

Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.

7.4 All other conditions at Annex 2 will remain.

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 7**

8.3 When considering this application to vary an existing premise licence the panel may wish to consider Chapters 2, 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 8**.

9.0 RECOMMENDATION

That Members are asked to consider the variation application and the representations made for Swan & Salmon, 34 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 variation application are:

- **To modify the conditions of the licence**
- **To reject the whole or part of the application**

List of Appendices

Appendix 1 – Application Form

Appendix 2 – Plan of Site and Photographs

Appendix 3 – Copy of current licence

Appendix 4 – Representations Received

Appendix 5 – Map showing Location of Premises

Appendix 6 – Further Information Received

Appendix 7 – NSDC Statement of Licensing Policy

Appendix 8 – Statutory Guidance

For further information please contact Nicola Kellas – Senior Licensing Officer on extension 5894.

Matt Finch

Director – Communities & Environment