

NEWARK & SHERWOOD DISTRICT COUNCIL  
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON  
24 SEPTEMBER 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 VARIATION  
OF A PREMISES LICENCE

SWAN & SALMON, 34 CASTLE GATE, NEWARK NG24 1BG

SUB – COMMITTEE: Councillor I. Walker (Chairman)  
Councillor Mrs S. Saddington  
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: T.J. Inns (Mr. Tony Hall)

Representors: None in Attendance

In opening proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic. A recording of the proceedings would be taken and published at a later date.

Prior to the commencement of the Hearing, the Panel's Legal Advisor advised all parties of the key considerations for determining the application to vary the premises licence 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 application to vary be agreed, must be reasonable.

**Presentation by Licensing Officer**

The Senior Licensing Officer presented to the Panel details of the application made by T.J. Inns. The report before the Panel presented Members with a summary of the application and noted that representations had been received in relation to the application. The report also included legislation in relation to the powers that licensing authorities had to vary a premise licence, the options available to the Panel and the relevant policies and guidance.

### **Presentation by Applicant**

Mr. Hall advised the Panel that the application had been submitted to permit the outside area to be used for live and recorded music and also for the supply of alcohol, both on and off the premises. The application had been subsequently amended following receipt of the Notice of Hearing with the termination hours being drawn back to an earlier time.

Mr. Hall advised that he would not run the establishment as a late night venue, as previously, but more as a riverside pub.

### **Questions to the Applicant**

Councillor Mrs Saddington sought confirmation from Mr. Hall that in order for residents not to be disturbed he would cease live music outside at 22:00 hours. She also queried what safety measures would be put in place in relation to access to the river and what type of glass vessels would be used for outside drinking. In response, Mr. Hall advised he did not intend to have any music externally after 22:00 hours and that it was his intention to use glass vessels. He stated that SIA registered door staff would be present in the evenings and they would monitor access to the tow path. He expressed his own concerns about this but was unable to comment further as he was not yet operating from the premises. He noted that it was his understanding that the Fire Officer had refused permission for a barrier to be erected. The Panel's Legal Advisor noted the safety concerns raised by Councillor Saddington but stated that the licensing objective of 'Protection of Children from Harm' was not applicable in this instance, adding that it was not Mr. Hall's responsibility to ensure that parents of children looked after them in a responsible manner whilst on his premises.

The Panel's Legal Advisor queried as to the occupancy capacity of the external area. Mr. Hall confirmed that this was set at a maximum of 30 people. In response to whether it was his intention to provide off-sales, Mr. Hall confirmed that the application was to allow him to provide alcohol to a customer should they wish to carry it off the premises.

### **Applicant's Closing Submission**

Mr. Hall advised that he wished to change the venue from the previous one of a late night venue to a little pub by the river. He stated that he had a decibel reader which he would use and that he believed he would be a responsible licensee.

The Legal Advisor advised those present that three representations had been received in relation to the application and that they had been included in the Panel's paperwork and considered during the hearing.

### **Decision**

The decision of the Licensing Hearing Panel was to grant the variation with conditions applied as below:

1. The Mandatory Conditions which apply to licences granted under the Licensing Act 2003 shall apply to the licence.

2. The Conditions agreed by the Applicant and Nottinghamshire Police (as set out in the papers before the committee) shall apply to the licence.
3. The hours for activities shall be those as set out in paragraph 2.4 of the report in that they are as below:

| <b>Activity</b>  | <b>Timings</b>   |
|--|--|
| Live music ( outdoors)   | 19:00-22:00 Sunday to Friday<br>16:00-22:00 Saturday   |
| Recorded music ( outdoors)   | 11:00-22:00 Monday to Thursday<br>11:00-22:00 Friday<br>09:00-22:00 Saturday<br>09:00-22:00 Sunday |
| Supply of Alcohol ( both on premises and off premises) * see condition 4 below | 11:00-23:00 Monday to Thursday<br>11:00-24:00 Friday to Saturday<br>12:00-22.30 Sunday             |

4. Sales of alcohol to be taken or drunk off premises are permitted only to a customer who has been in the venue the same day as the off sale is requested and is limited to 2 bottles or cans of beer/cider or similar type of beverage and 1 bottle of wine, prosecco, champagne or similar type of beverage per customer.
5. Noise levels shall be monitored at the boundary of the premises every 90 minutes whilst regulated entertainment takes place to ensure that no vibration or noise nuisance is caused to any residential premises or at least twice during a live performance if less than 90 minutes.
6. The results of all monitoring shall be recorded in either a bound and sequentially paginated book or as an electronic record, which shall be kept at the premises and be available at all times for inspection by an authorised officer of the council or Police Officer. A record of all actions taken as a result of the monitoring shall also be kept.

Meeting closed at 10.25 am.

Chairman