

**LICENSING SUB-COMMITTEE**  
**23 NOVEMBER 2020**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

**1.0 Purpose of Report**

1.1 For Members to consider an application for the review of the premise licence for Madison's Lounge Bar & Bistro, 39A Carter Gate, Newark, NG24 1UA by the Chief Constable of Nottinghamshire, Nottinghamshire Police, HQ (CJ) Liquor Licensing, Mansfield Police Station, Great Central Road, Mansfield, NG18 2HQ.

**2.0 Reasons for Application for Review**

2.1 The application for review relates to the following licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- Protection of children from harm

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

2.3 Following advertisement of the application to review the premise licence additional representations/comments have been received from:

- Steve Baumber – Nottinghamshire Safeguarding Children Partnership (supporting the review)
- Callum Dixon (supporter of the premise licence holder)
- Carolyn Brown (supporter of the premise licence holder)
- Michael Halford (supporter of the premise licence holder)

2.4 A copy of these representations/comments can be found at **Appendix 2**.

**3.0 The Premises Subject to Review**

3.1 The premises subject to this review application is Madison's Lounge Bar & Bistro, 39A Carter Gate, Newark, NG24 1UA.

3.2 A location plan and photographs showing the site in context of its surroundings is shown as **Appendix 3** to this report.

**4.0 Licensing History**

4.1 The premises used to be known as Gusto's Venue and applied for a conversion and variation of their licence when the powers to licence a premise transferred from the Magistrate's Court to the local authority in 2005. The original licence was granted on 21.09.05. A copy of this licence can be found at **Appendix 4A** to this report.

4.2 This licence was surrendered on 19.10.16.

- 4.3 The licensing authority received an application for new premise licence on 02.08.16 known as Jola Jola, this was granted following a hearing on 16.10.16. A copy of this licence can be found at **Appendix 4B** to this report.
- 4.4 This licence lapsed when the licence holder went into administration on 02.01.18.
- 4.5 A copy of the current licence for 39A Carter Gate, Newark can be found at **Appendix 4C** to this report. This licence was granted on 30.11.19 following an application for a new premise licence.
- 4.6 A summary of Appendices 4A, 4B, 4C licensable hours and activities are set out below:

Licence	Licensable Activities/Timings
Licence 455 (full licence found at Appendix 3A)	<p>The times the licence authorises the carrying out of licensable activities</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment (films, live music, recorded music, anything similar) <ul style="list-style-type: none"> <li>All categories permitted by this Licence except (d) above</li> <li>Monday to Wednesday – 18:00 to 01:00 the following day</li> <li>Thursday to Saturday – 18:00 to 02:00 the following day</li> <li>Sunday – 18:00 to 00:00</li> <li>b. Entertainment of a similar description to (b) &amp; (c) above</li> <li>Monday to Wednesday – 07:00 to 01:00 the following day</li> <li>Thursday to Saturday – 07:00 to 02:00 the following day</li> <li>Sunday – 07:00 to 00:00</li> </ul> </li> <li>2. Late Night Refreshment <ul style="list-style-type: none"> <li>Monday to Wednesday – 23:00 to 01:00 the following day</li> <li>Thursday to Saturday – 23:00 to 02:00 the following day</li> <li>Sunday – 23:00 to 00:00</li> </ul> </li> <li>3. The supply of alcohol by retail <ul style="list-style-type: none"> <li>Monday to Wednesday – 12:00 to 01:00 the following day</li> <li>Thursday to Saturday – 12:00 to 02:00 the following day</li> <li>Sunday – 12:00 to 00:00</li> </ul> </li> </ol> <p><u>The opening hours of the premises</u></p> <ul style="list-style-type: none"> <li>Monday to Wednesday – 07:00 to 01:00 the following day</li> <li>Thursday to Saturday – 07:00 to 02:00 the following day</li> <li>Sunday – 07:00 to 00:00</li> </ul>
Licence 2161 (full licence found at Appendix 3B)	<p>The times the licence authorises the carrying out of licensable activities</p> <p>A Standard Times</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment: All categories permitted by this licence. <ul style="list-style-type: none"> <li>Sunday to Wednesday 09:00 to 01:30 the following day</li> <li>Thursday to Saturday 09:00 to 02:00 the following day</li> </ul> </li> <li>2. Late night refreshment <ul style="list-style-type: none"> <li>Sunday to Wednesday 23:00 to 02:00 the following day</li> <li>Thursday to Saturday 23:00 to 02:30 the following day</li> </ul> </li> <li>3. The Supply of alcohol <ul style="list-style-type: none"> <li>Sunday to Wednesday 09:00 to 01:30 the following day</li> <li>Thursday to Saturday 09:00 to 02:00 the following day</li> </ul> </li> </ol> <p>B Non Standard Times</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment: All categories permitted by this licence <ul style="list-style-type: none"> <li>On a day following bank holiday Sunday &amp; Monday 09:00 02:00</li> </ul> </li> </ol>

	<p>On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and boxing day 09:00 to 02:00  New Year’s Eve all day  An additional hour when BST commences.</p> <p>2. Late night refreshment  On a day following bank holiday Sunday &amp; Monday 23:00 to 02:30  On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and boxing day 23:00 to 02:30  New Year’s Eve all day  An additional hour when BST commences.</p> <p>3. The supply of alcohol  On a day following bank holiday Sunday &amp; Monday 09:00 02:00  On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and boxing day 09:00 to 02:00  New Year’s Eve all day  An additional hour when BST commences.</p> <p>The opening hours of the premises</p> <p>A Standard Times  Sunday to Wednesday 09:00 to 02:00 the following day  Thursday to Saturday 09:00 to 02:30 the following day</p> <p>B Non Standard Times  On a day following bank holiday Sunday &amp; Monday 09:00 02:30  On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and boxing day 09:00 to 02:30  New Year’s Eve all day  An additional hour when BST commences.</p>
<p>Licence 2453 (full licence can be found at Appendix 3C)</p>	<p>The times the licence authorises the carrying out of licensable activities</p> <p>1. Films - Sunday to Wednesday - 09:00 to 01:30  - Thursday to Saturday – 09:00 to 02:00</p> <p><u>Non-standard timings –</u></p> <ul style="list-style-type: none"> <li>- New Years Day – All day</li> <li>- An additional hour to the standard and non-standard times when British Summer Time commences</li> <li>- On a day following bank holiday Sunday and Monday 09:00 to 02:00</li> <li>- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 09:00 to 02:00</li> </ul> <p>2. Live Music – Sunday to Wednesday - 23:00 to 01:30  - Thursday to Saturday – 23:00 to 02:00</p> <p><u>Non-standard timings –</u></p> <ul style="list-style-type: none"> <li>- New Years Day – All day</li> <li>- An additional hour to the standard and non-standard times when British Summer Time commences</li> <li>- On a day following bank holiday Sunday and Monday 23:00 to 02:00</li> <li>- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 23:00 to 02:00</li> </ul>

3. Recorded Music - Sunday to Wednesday - 23:00 to 01:30  
- Thursday to Saturday – 23:00 to 02:00

Non-standard timings –

- New Years Day – All day
- An additional hour to the standard and non-standard times when British Summer Time commences
- On a day following bank holiday Sunday and Monday 23:00 to 02:00
- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 23:00 to 02:00

4. Performances of Dance - Sunday to Wednesday - 23:00 to 01:30  
- Thursday to Saturday – 23:00 to 02:00

Non-standard timings –

- New Years Day – All day
- An additional hour to the standard and non-standard times when British Summer Time commences
- On a day following bank holiday Sunday and Monday 23:00 to 02:00
- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 23:00 to 02:00

4. Anything of a similar description to that falling within 2,3 and 4  
- Sunday to Wednesday - 23:00 to 01:30  
- Thursday to Saturday – 23:00 to 02:00

Non-standard timings –

- New Years Day – All day
- An additional hour to the standard and non-standard times when British Summer Time commences
- On a day following bank holiday Sunday and Monday 23:00 to 02:00
- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 23:00 to 02:00

5. Late Night Refreshment - Sunday to Wednesday - 23:00 to 02:00  
- Thursday to Saturday – 23:00 to 02:30

Non-standard timings –

- New Years Day – All day
- An additional hour to the standard and non-standard times when British Summer Time commences
- On a day following bank holiday Sunday and Monday 23:00 to 02:30
- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 23:00 to 02:30

6. Supply of Alcohol – Sunday to Wednesday 09:00 to 01:30  
- Thursday to Saturday – 09:00 to 02:00

Non-standard timings

- New Years Day – All day
- An additional hour to the standard and non-standard times when British Summer Time commences
- On a day following bank holiday Sunday and Monday 09:00 to 02:00
- On the days following Valentine’s Day, Halloween, 23 December, Christmas Eve and Boxing Day 09:00 to 02:00

The opening hours of the premises

4.7 This table below shows the applications that the licensing authority have received in relation to this premise:

Date	Type of Application
<b>455</b>	
27/07/2005	Conversion and variation
05/09/2006	Transfer
19/10/2016	Surrender of licence
<b>2161</b>	
02/08/2016	New premises
24/04/2017	Vary DPS
<b>2453</b>	
01/11/2019	New premises
16/07/2020	Variation
16/10/2020	Vary DPS

4.8 This following table shows the complaints recorded on the system in relation to 39a Carter Gate, Newark, NG24 1UA

Date	Complaint	Action
04/07/20	Breach of licence conditions and disorder incident	Police warning letter 15/07/20, Council warning letter 24/08/20
11/07/20	Breach of licence conditions	Police warning letter 15/07/20
31/07/20	Loud music and noise from patrons until 03:00 hours	LEO tried to contact someone from the premises and spoke to the complainant and Police. Put on hold whilst more serious incidents were being investigated by the Police.
24/08/20	Breach of licence condition and assault at premises	Police advice letter
28/08/20	Noise from Madisons heard at Beaumont Cross Inn	Investigated as part of joint action with Police following up on various incidents.
26/08/20	Concerns from Police, CCTV showing no social distancing	Investigated as part of joint action with Police following up on various incidents.
02/11/20	Email from member of the public raising concerns about £25 all you can eat and drink offer	LEO and Police visited premises and advised.

## 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:

- White Hart, White Hart Yard, Newark, NG24 1EG

- Atrium, 69 Castle Gate, Newark, NG24 1BE
- Rutland Arms, 13-15 Barnby Gate, Newark, NG24 1PX
- Queens Head, 8 Market Place , Newark, NG24 1DU
- Corn Exchange, 18 Castle Gate, Newark, NG24 1BG

5.2 The following table shows the licensable activities for the above premise:

Premise name	Licensing Hours
White Hart, White Hart Yard, Newark, NG24 1EG	<p><u>The times the licence authorises the carrying out of licensable activities</u></p> <p>A Standard Times</p> <p>1 Regulated Entertainment (Films, live music, recorded music, performance of dance, anything similar) Sunday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 01:00 the following day</p> <p>2 Late Night Refreshment Sunday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 01:00 the following day</p> <p>3 The supply of alcohol Sunday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 01:00 the following day</p> <p>B Non Standard Times</p> <p>1 All licensable activities permitted by this licence New Year's Eve – from the end of permitted New Years Eve to the commencement of permitted house on New Years Day Additional hour to standard times on Christmas Eve, Boxing Day, The Thursday preceding Good Friday; The Friday, Saturday and Sunday of each bank holiday; St Georges, St Patrick's and St Valentines Day</p> <hr/> <p><u>The opening hours of the premises</u></p> <p>A Standard Times Sunday to Thursday 09:00 to 24:00 Friday to Saturday 09:00 to 01:30 the following day</p> <p>B Non Standard Times New Year's Eve – from the end of permitted New Years Eve to the commencement of permitted house on New Years Day Additional hour to standard times on Christmas Eve, Boxing Day, The Thursday preceding Good Friday; The Friday, Saturday and Sunday of each bank holiday; St Georges, St Patrick's and St Valentines Day</p>
Atrium, 69 Castle Gate, Newark, NG24 1BE	<p>A <u>Standard Times</u></p> <p>1. Regulated Entertainment</p> <p>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</p> <p>b. The provision of Live Music Monday to Sunday – 08:00 to 00:00</p> <p>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</p>

3. The supply of alcohol

Sunday to Wednesday – 08:00 to 01:00

Thursday to Saturday – 08:00 to 03:00 the following day

B Non Standard Times

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.

Regulated Entertainment – all categories permitted by this licence

From the standard start timing on 31st December to the standard start timing on 1st January.

2. Late night refreshment

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.

3. The supply of alcohol

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.

Opening hours

A Standard Times

Sunday to Wednesday – 08:00 to 01:30 the following day

Thursday to Saturday – 08:00 to 03:30 the following day

B Non Standard Times

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

Rutland Arms, 13-15 Barnby Gate, Newark, NG24 1PX

The times the licence authorises the carrying out of licensable activities

- 1 Regulated Entertainment – all categories permitted by this licence  
Monday to Sunday – 10:00 to 02:00 the following day
- 2 Late Night Refreshment  
Monday to Sunday – 23:00 to 02:00 the following day
- 3 The supply of alcohol by retail  
Monday to Sunday – 10:00 to 02:00 the following day  
The premises may open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. The number of occasions for additional hours should be limited to no more than 12, with notice to the police of 14 days and the police will have power of veto over any such extension

The opening hours of the premises

Monday to Sunday– 08:00 to 02:30 the following day  
Where the premises are open for licensable activities in conjunction with a sporting event as above they will close 30 minutes after the conclusion of the relevant event



Queens Head, 8 Market Place, Newark, NG24 1DU

The times the licence authorises the carrying out of licensable activities

A Standard Times

1. Regulated Entertainment (films, indoor sporting events, live music, recorded music, entertainment of similar description)
  - a. Categories (a) & (b) in the above box  
Sunday to Thursday – 07:00 to 01:00 the following morning  
Friday & Saturday – 07:00 to 02:00 the following morning
  - b. The provision of live music  
Monday to Sunday – 07:00 to 00:00
  - c. All other categories of Regulated Entertainment permitted by this licence  
Sunday to Thursday – 07:00 to 00:00  
Friday & Saturday – 07:00 to 01:00 the following day
2. Late Night Refreshment  
Sunday to Thursday – 23:00 to 01:00 the following day  
Friday & Saturday – 23:00 to 02:00 the following day
3. The supply of alcohol by retail  
Sunday to Thursday – 07:00 to 00:00  
Friday & Saturday – 07:00 to 01:00 the following day

B Non Standard Times

1. Regulated Entertainment
  - a. Categories (a) & (b) in the above box  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January
  - b. The provision of live music  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
  - c. The provision of recorded music  
All Sundays prior to Bank Holiday Mondays – 07:00 to 01:00 the following morning  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 07:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to normal terminal hour for 1<sup>st</sup> January
  - d. The provision of facilities for making music  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 10:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
  - e. The provision of facilities for dancing  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 10:00 to 01:00 the following day  
31<sup>st</sup> December – 07:00 to 02:00 the following morning
2. Late Night Refreshment  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 23:00 to 02:00 the following day  
31<sup>st</sup> December – 23:00 to 05:00 the following morning
3. The supply of alcohol by retail  
All Sundays prior to Bank Holiday Mondays – 07:00 to 01:00 the following morning  
17<sup>th</sup> March, 23<sup>rd</sup> April, 31<sup>st</sup> October, 24<sup>th</sup> December and 26<sup>th</sup> December, where those dates fall on a day other than Friday or Saturday – 07:00 to 01:00 the following morning

<p>Corn Exchange, 18 Castle Gate, Newark, NG24 1BG  (Please note that a new application for a premise licence was submitted for 18 Castle Gate, Newark. Following receipt of representations a hearing was held and is now pending an appeal at Magistrates Court, therefore these times maybe subject to change)</p>	<p>A Standard Times</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment(plays, indoor sporting events, live music, recorded music, performances of dance, anything similar to aforementioned):  Sunday to Thursday: 08:00 to 00:30 the following day  Friday and Saturday: 08:00 to 02:45 the following day</li> <li>2. Late night refreshment:  Sunday to Thursday: 23:00 to 00:30 the following day  Friday and Saturday: 08:00 to 02:30 the following day</li> <li>3. The Supply of alcohol  Sunday to Thursday: 08:00 to 00:30 the following day  Friday and Saturday: 08:00 to 02:30 the following day</li> </ol> <p>B Non Standard Times</p> <ol style="list-style-type: none"> <li>1. Regulated Entertainment (categories c, d, e and f in the above box)  New Years Day: 00:00 to 23:59  Christmas Day: 00:00 to 23:59  Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</li> <li>2. Late night refreshment:  New Years Day: 00:00 to 05:00 and 23:00 to 23:59  Christmas Day: 00:00 to 05:00 and 23:00 to 23:59  Start of British Summer Time: 00:00 to 04:30 the following day and 23:00 to 23:59</li> <li>3. The Supply of alcohol  New Years Day: 00:00 to 23:59  Christmas Day: 00:00 to 23:59  Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</li> </ol> <p><u>Opening hours</u></p> <p>A Standard Times  Sunday to Thursday 08:00 to 01:00 the following day  Friday to Saturday 08:00 to 03:00 the following day</p> <p>B None Standard Times  New Years Day: 00:00 to 23:59  Christmas Day: 00:00 to 23:59  Start of British Summer Time: 00:00 to 04:30 the following day and 08:00 to 23:59</p>
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## 6.0 Additional Information Requested by Licensing Authority

6.1 The licensing authority did not request any additional information from the applicant or the premise licence holder.

## 7.0 NSDC Policies Applicable

7.1 Statement of Licensing Policy 2019-2023

### 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.*

7.2 Chapters 6, 7 and 8 of the Statement of Licensing Policy are considered particularly relevant to this review application. These are attached as **Appendix 5**.

## **8.0 Applicable Provisions of Guidance under Section 182 Licensing Act 2003**

8.1 When considering this review application the Panel may wish to consider Chapters 2, 10 and 11 of the Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 - April 2018. These are attached as **Appendix 6**.

8.2 Chapter 11 of Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 details the powers of a licensing authority on the determination of a review:

**11.16** *The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.*

**11.17** *The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.*

**11.18** *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.*

**11.19** *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

**11.20** *In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*

**11.21** *For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.*

**11.22** *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.*

**11.23** Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **9.0 RECOMMENDATION**

**That Members consider the review application and the representations made for Madison's Lounge Bar & Bistro, 39A Carter Gate, Newark, NG24 1UA and take the steps as it considers appropriate for the promotion of the licensing objectives.**

**The steps available on determination of a review application are:**

- **To take no further action**
- **To issue a warning**
- **To modify the conditions of the licence**
- **To exclude a licensable activity from the scope of the licence**
- **To remove the designated premise supervisor**
- **To suspend the licence for up to three months**
- **To revoke the licence**

**A decision to modify conditions or exclude a licensable activity can be made on a permanent or temporary basis (for up to three months) depending on the particular issues raised.**

### List of Appendices

Appendix 1	Review Application Form
Appendix 2	Representations/comments Received
Appendix 3	Location Plan and Photos of the premises
Appendix 4A	Copy of licence 455 (Gusto Venue)
Appendix 4B	Copy of licence 2163 (Jola Jola)
Appendix 4C	Copy of the current licence (Madison's Lounge Bar & Bistro)
Appendix 5	NSDC Statement of Licensing Policy (Chapters 6, 7 and 8)
Appendix 6	Statutory Guidance (Chapters 2,10 and 11)

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

Matt Finch  
Director – Communities & Environment