

LICENSING SUB-COMMITTEE

REPORT OF THE CHIEF FIRE OFFICER & HEAD OF PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application for the variation of a premises licence in respect of 41-43 Bridge Street, Berwick upon Tweed, TD15 1ES.

Currently there is a licence in place in respect of 41-47 Bridge Street, Berwick upon Tweed for:-

Live Music	11:00 to 23:30
Recorded Music	11:00 to 23:30
Activity Like Music/Dance	11:00 to 23:30
Facility For Making Music	11:00 to 23:30
Facility Like Music/Dance	11:00 to 23:30
Late Night Refreshment	23:00 to 02:00
Supply of Alcohol	00:01 to 24:00

The applicant has applied to vary the licence to remove numbers 45-47 Bridge Street from the existing licence. The proposed licenced area would only cover 41-43 Bridge Street. It is the intention of the applicant to keep the existing timings and existing licensable activities.

Two objections have been received from interested parties on the grounds of:-

- Public nuisance
- Protection of children from harm
- Public Safety
- Prevention of crime and disorder

One representation has been received from an interested party in support of the application.

2. DETERMINATION OF APPLICATION

Having considered the report, all relevant representations and verbal submissions from those persons entitled to speak at the hearing; the Sub-committee is required to make its determination in respect of the application at the conclusion of the hearing.

In this particular case, the sub Committee **may**:

- 1) Grant the licence subject to conditions consistent with the operating schedule accompanying the application, modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives. All conditions should be precise and cable of being interpreted and applied by the applicant.

(Conditions may be modified if any of them is altered or omitted or any new condition is added)

and

Any mandatory condition under section 19 of the Act be included in the licence

- 2) Exclude from the scope of the licence any of the licensable activities to which the application relates or;
- 3) Reject the application if it is not possible to promote one or more of the licensing objectives by any other means.

Members are reminded that they may only attach additional conditions:

- In respect of those matters that are subject to the application and in respect of which a relevant representation has been made; and
- that are appropriate for the promotion of the licensing objectives.

3. Appeals

If the applicant, responsible authority or interested party who may have made a representation is aggrieved by the decision of the Licensing Sub-Committee in respect of:

- the decision to grant the licence or any part of it as set out in the attached document, or
- failure to exclude from the licence any of the licensable activities requested, or
- the decision to impose the specified conditions, or
- failure to modify or attach different or additional conditions appropriate for the promotion of the licensing objectives.

They may appeal to the Magistrates' Court within the period of twenty-one days beginning with the day on which they receive formal written notification of the determination.

4. CONSULTATION

In accordance with the requirements of the Licensing Act 2003 and regulations made there under, the applicant has undertaken the following consultation in respect of the application:

A copy of the application has been sent to all Responsible Authorities as defined in the Licensing Act 2003 Section 13 (4).

A notice setting out details of the application has been displayed at the premises for a minimum period of 28 consecutive days starting on the day after the application was received by the licensing authority.

By publishing a notice in a local newspaper on at least one occasion during the period of 10 working days starting the day after the application was received by the licensing authority.

5. REPORT

Background

On 15th February 2018 an application was received from Frank Mark Dixon for a variation of a premises licence with regards to 41-43 Bridge Street, Berwick upon Tweed, TD15 1ES (**Appendix A**).

The premises currently operate their licensable activities under Premises Licence NPR/1005 (**Appendix B**) in respect of 41-47 Bridge Street, Berwick upon Tweed, TD15 1ES. The licensable activities are:-

Live Music	11:00 to 23:30
Recorded Music	11:00 to 23:30
Activity Like Music/Dance	11:00 to 23:30
Facility For Making Music	11:00 to 23:30
Facility Like Music/Dance	11:00 to 23:30
Late Night Refreshment	23:00 to 02:00
Supply of Alcohol	00:01 to 24:00

The applicant has applied to vary the licence to remove numbers 45-47 Bridge Street from the existing licence. The proposed licenced area would only cover 41-43 Bridge Street. It is the intention of the applicant to keep the existing timings and existing licensable activities.

On the 7th March 2018 a representation was received from an interested party in support of the application (**Appendix C**).

On the 12th March 2018 an objection was received from an interested party (**Appendix D**) although this representation was withdrawn on the 15th March 2018 with a further representation received on the 13th March 2018 from Ward Hadaway Solicitors acting on behalf of the interested party (**Appendix E**). A further representation was received on the 15th March 2108 from another interested party (**Appendix F**) following the withdrawl of the first objection received.

Following the initial objection received on the 12th March 2018 confirmation was received on the 13th March 2018 from Building Control that they were satisfied with the construction standard of the separating floors and walls (**Appendix G**).

6. Details of Representations

Representations objecting to the application:

Responsible Authorities

Chief Officer of Police	None
The Fire Authority	None
Body Responsible for Health and Safety Enforcement	None
Local Planning Authority	None
Body Responsible for Minimising or Preventing the Risk of Pollution of the Environment or of Harm to Human Health	None
Northumberland Area Child Protection Committee	None
Trading Standards Authority	None
Interested Parties	Appendix D (withdrawn) Appendix E Appendix F
Representations in support of the application	Appendix C

7. Licensing Policy

Premises Licences and Club Premises Certificates

Introduction	3.1 – 3.1.6
Premises Licences - applications	Schedule 2
Decision making process	Schedule 5
The Prevention of Public Nuisance	Appendix C

8. Guidance – Licensing Act 2003 – Section 182

In considering the application, Elected Members are also directed to have regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003; specifically:

Section 2 - The Licensing objectives	2.1 – 2.31
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Section 8 – Applications for premises licences	8.28 – 8.32
	8.66 – 8.69
Section 9 – Determining applications	9.3 – 9.10
	9.41 - 9.43
Section 10 – Conditions attached to premises licences	10.1 – 10.68

9. BACKGROUND PAPERS

- Appendix A Application for premises licence
- Appendix B Current Premises Licence
- Appendix C Representation in support of application from Interested Party
- Appendix D Representation from Interested Party (withdrawn)
- Appendix E Representation from Ward Hadaway on behalf of Interested Party
- Appendix F Representation from Interested Party
- Appendix G Email from Building Control

The Licensing Act 2003 and secondary legislation there under
The Council's Statement of Licensing Policy
The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003

10. CONTACT OFFICER(S)

This report has been prepared by: Heather Gebbie

For further information please contact:-

Heather Gebbie, Senior Licensing Officer (01670 623738)

heather.gebbie@northumberland.gcsx.gov.uk