

LICENSING SUB-COMMITTEE

REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application for the variation of a Premises Licence in respect of The Blagdon Arms, Village Square, Cramlington, NE23 1DN.

The applicant has applied to vary the licensable activities of:-

- the sale of alcohol
- provision of regulated entertainment
- provision of late night refreshment

Two representations have been received from interested parties on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder.

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 capable 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

- 3) To 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 28th June 2018 an application was received from Stonegate Pub Company Limited for The Blagdon Arms, Village Square, Cramlington, NE23 1DN for the variation of a premises licence. A copy of the application is attached as **Appendix A**.

Currently the premises is licensed for the sale of alcohol, provision of regulated entertainment and late night refreshment (**Appendix B**).

The applicant is applying to vary the timings of those licensable activities to:-

- extend the start time for the sale of alcohol and regulated entertainment (in the form of films, indoor sporting events, live music, recorded music and performance of dance) to commence from 09:00 Monday to Sunday;
- extend the terminal hour for the sale of alcohol and regulated entertainment (in the form of films, indoor sporting events, recorded music and performance of dance – no extension to the hours for live music) and late night refreshment on Fridays and Saturdays to 01:00 the following day;
- extend the opening hours to allow the premises to close at 01:30 the following morning on Fridays and Saturdays;
- amend and add Non Standard Timings as detailed in the application

Two representations have been received from interested parties on the grounds of public nuisance and prevention of crime and disorder (**Appendix C**). The applicant has made attempts to meet with the objectors in respect of their representations to clarify the application and address any concerns with the possibility to offer additional operational measures to facilitate withdrawal of their representations and the avoidance of a hearing.

Further to liaising with the Environmental Health department the applicant has agreed to the following conditions being attached to the licence:-

- to amend current conditions 1 and 2 under the heading “Environmental Protection” under Annex 2 on the Premises Licence to read as follows:-
 - The premises personal licence holder/designated premise supervisor shall ensure that no public nuisance is caused by noise due to regulated entertainment in the form of amplified live or DJ led recorded music or voices emanating from the premises.
 - The premises personal licence holder/designated premise supervisor shall ensure that regulated entertainment in the form of amplified live or DJ led recorded music from the premises is not audible so as to cause a nuisance at the facade of the nearest noise sensitive residential premises.
 - In addition the existing conditions 3 and 4 under the heading “Environmental Protection” under Annex 2 on the Premises Licence will continue in place and remain as existing, these being:
 - 3. Provide clear and legible notices displayed at prominent positions adjacent to exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car

horns shall also be discouraged. The design and appearance to be approved by the Licensing Authority.

- 4. There shall be no amplified music in the beer garden.

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 C

Representations in support of the application None

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

Prevention of crime & disorder Appendix A

Public safety Appendix B

Prevention of Public Nuisance Appendix C

Protection of children from harm Appendix D

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
Section 8 – Applications for premises licences	8.20 – 8.34
	8.66 – 8.70
Section 9 – Determining applications	9.3 – 9.10
	9.42 - 9.44
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 Representations from Interested Parties
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)**

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