

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 Plough, 24 Bondgate Without, Alnwick, NE66 1PN.

The applicant has applied to vary the following conditions of the current premises licence:-

- to remove condition 2 from Annex 3 that "A minimum of 2 SIA registered door staff are to be employed from 21:00 until the terminal hour each Friday, Saturday and public holiday and each day preceding a public holiday".
- to also amend condition 13 under Annex 3 so it now reads "The designated premises supervisor shall ensure that the rear patio on the east side of the building is not accessed and occupied by members of the public during the hours of 11pm and 11am the following day (except during disabled access/egress)."

All other permitted hours, activities and conditions are to remain unchanged by this application.

One representation has been received from an interested party on the grounds of Prevention of Public Nuisance and Public Safety.

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 30th November 2018 an application was received from TLT LLP on behalf of Punch Taverns with regards to The Plough, 24 Bondgate Without, Alnwick, NE66 1PN 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 and provision of regulated entertainment (**Appendix B**).

The applicant is applying to vary the following conditions of the current premises licence:-

- to remove condition 2 from Annex 3 that "A minimum of 2 SIA registered door staff are to be employed from 21:00 until the terminal hour each Friday, Saturday and public holiday and each day preceding a public holiday".
- to also amend condition 13 under Annex 3 so it now reads "The designated premises supervisor shall ensure that the rear patio on the east side of the building is not accessed and occupied by members of the public during the hours of 11pm and 11am the following day (except during disabled access/egress)."

All other permitted hours, activities and conditions are to remain unchanged by this application.

One representation has been received from an interested party on the grounds of Prevention of Public Nuisance and Public Safety (**Appendix C**).

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 Representation from Interested Party

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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