

LICENSING SUB-COMMITTEE

REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application from Mr Jacob Castleman on behalf of Curious Taverns Ltd for the variation of a Premises Licence in respect of The Cock & Bull, Queen Street, Amble, Northumberland, NE65 0DQ. Mr Castleman (the applicant) has applied to vary the premises licence to allow the sale of alcohol off the premises.

The off-sales of alcohol are to include take-away canned products and served to a near-by pop up beer garden on the town square and to extend the hours of live music within the premises.

Three objections have been received with regards to this application. Two representations have been received from interested parties on the grounds of Prevention of Public Nuisance and one objection received from Northumbria Police on the grounds of the Prevention of Crime and Disorder. Twelve relevant representations of support have been received from interested parties.

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. LICENSING OBJECTIVES AND AIMS

Legislation provides a clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken.

An application to vary a premises licence must be considered on whether the licence holder can demonstrate that altering the licence will not create any issues in relation to the licensing objectives.

The licensing objectives being:-

- **The prevention of crime and disorder** - relating to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises.
- **Public safety** - relating to the safety of the public on the premises, i.e. fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
- **The prevention of public nuisance** - relating to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.
- **The protection of children from harm** - relating to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Members are reminded that each objective is of equal importance. There are no other statutory licensing objectives, therefore the promotion of the four objectives is a paramount consideration at all times.

4. 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.

5. 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.

6. REPORT

Background

On 4th May 2020 an application was received from Mr Jake Castleman (the applicant) with regards to The Cock & Bull, Queen Street, Amble, Northumberland, NE65 0DQ 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 on the premises only and provision of regulated entertainment (**Appendix B**).

The applicant has applied to vary the premises licence to:-

- allow the sale of alcohol on and off the premises. The off-sales of alcohol are to include take-away canned products and served to a near-by pop up beer garden on the town square between the hours of:-

Monday - Friday 16:00 - 23:00

Saturday 12:00 - 23:00
Sunday 12:00 - 22:30

- To extend the hours of live music within the premises from on:-

Monday - Friday 16:00 - 23:00
Saturday 12:00 - 23:00
Sunday 12:00 - 22:30

A plan has been provided of the proposed area to be used as the pop up beer garden (**Appendix C**). The Amble Development Trust has confirmed that as the town square owners they would have an agreement in place to monitor usage, behaviour and the applicants adherence to the terms and conditions imposed. This would be reviewed regularly and should any issues or anti-social behaviour occur or be reported would be discussed to see what additional measures could be put in place or the agreement for use withdrawn.

Three objections have been received with regards to this application. One objection was received from Northumbria Police on the grounds of Prevention of Crime and Disorder (**Appendix D**) and two representations have been received from interested parties on the grounds of Prevention of Public Nuisance (**Appendix E**). Thirteen relevant representations of support have been received from interested parties (**Appendix F**).

Licence History

The premises licence for The Cock & Bull was initially granted on 1st March 2019 (**Appendix B**). This building was previously the Amble Tourist Information Centre.

A short time later complaints were received with regards to patrons taking drinks off the premises to consume within the grounds of the Memorial Gardens. On 5th July 2019, Mr Castleman was contacted by a Licensing Officer to remind him that the premises licence only allows for alcohol to be supplied and consumed on the premises.

On 29th July 2019 another complaint was received with regards to patrons of the Cock & Bull drinking within the outside area.

On 12th August 2019 a meeting took place between the Officer and Mr Castleman regarding the complaints.

Three further complaints were received between 16th - 25th August 2019 with photographs of patrons consuming alcohol outside the Cock & Bull. Information was also received from Northumbria Police following the August Bank Holiday weekend that patrons were still consuming alcohol from the premises within this outdoor area.

7. Details of Representations

Representations objecting to the application:

Responsible Authorities

Chief Officer of Police	Appendix D
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 E
Representations in support of the application	Appendix F

8. 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

9. 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

10. BACKGROUND PAPERS

- Appendix A Application to vary premises licence
- Appendix B Current Premises licence
- Appendix C Comment from Amble Development Trust and plan of area
- Appendix D Objection from Northumbria Police
- Appendix E Objections from Interested Parties
- Appendix F Representations of support 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

11. CONTACT OFFICER(S)

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