

# LICENSING SUB-COMMITTEE

## REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

### Licensing Act 2003

#### 1. SYNOPSIS

To determine an application from Mrs Una Young for the application of a premises licence in respect of Paddock Hall, Morpeth Road, Choppington, NE62 5PZ.

The applicant has applied for the licensable activities of the supply of alcohol on and off the premises between 11:00 - 23:00 and late-night refreshment from 23:00 – 23:30.

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

- prevention of public nuisance
- protection of children from harm
- prevention of crime and disorder
- 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 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 for a premises licence must be considered on whether the licence holder can demonstrate that 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 12<sup>th</sup> November 2020 an application was received from Mrs Una Young for the application of a premises Licence in respect of Paddock Hall, Morpeth Road, Choppington, NE62 5PZ. A copy of the application is attached as **Appendix A**.

Within the application the applicant had initially applied for the premises licence to allow the supply of alcohol and regulated entertainment on and off the premises from Monday to Sunday from 11:00 – 23:00 and late-night refreshment from 23:00 – 01:00 Monday to Sunday.

Extra conditions to be added to the licence have been agreed by the applicant and Northumbria Police (**Appendix B**) and with the Public Health Protection Unit (**Appendix C**).

Two representations of objection have been received from interested parties on the grounds of public nuisance, crime and disorder, public safety and the protection of children from harm (**Appendix D**).

Following the representations received, the applicant is now only applying to sell alcohol for consumption on and off the premises between 11:00 – 23:00 daily. The sale of alcohol by retail will be limited to the internal areas of the premises, however this will not prohibit customers consuming alcohol externally or being served

alcoholic drinks by waiting staff while sat outside (under the authority of the 'off-sale' provisions of the proposed-Licence).

Late night refreshment is applied for from 23:00hrs to 23:30hrs daily to accommodate any hot food / drink sold for consumption on or off the premises.

The applicant has withdrawn any request for regulated entertainment and is therefore no longer being applied for. However, under the Live Music Act 2015 premises that supply the sale of alcohol can provide regulated entertainment between the hours of 08:00 - 23:00 without the need to apply for a licence.

For clarification purposes, the applicant has submitted updated plans including an indicative drawing of the proposed external trading area (hatched red) (**Appendix E**)

The applicant is therefore now only applying for the licensable activities of the supply of alcohol on and off the premises from 11:00 – 23:00 and late-night refreshment from 23:00 – 23:30.

## 7. 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

Representations in support of the application None

## 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<br>8.66 – 8.70 |
| Section 9 – Determining applications                  | 9.3 – 9.10<br>9.42 - 9.44  |
| Section 10 – Conditions attached to premises licences | 10.1 – 10.68               |

### **10. BACKGROUND PAPERS**

|            |  |
|------------|--|
| Appendix A | Application for premises licence                         |
| Appendix B | Conditions agreed with Northumbria Police                |
| Appendix C | Conditions agreed with the Public Health Protection Unit |
| Appendix D | Objections from Interested Parties                       |
| Appendix E | Updated plans  |

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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