

## **NORTHUMBERLAND COUNTY COUNCIL**

### **LICENSING HEARING**

At the meeting of the **Licensing Hearing** held at The Cheviot Suite, Holiday Inn, Great North Road, Seaton Burn, Newcastle upon Tyne, NE13 6BP on Thursday, 16 September 2021 at Time Not Specified.

#### **PRESENT**

JI Hutchinson (Chair) (in the Chair)

#### **MEMBERS**

T Cessford  
A Wallace

C Humphrey (Reserve)

#### **OFFICERS**

H Bowers  
M Bulman  
H Gebbie

Democratic Services Officer  
Solicitor  
Senior Licensing Officer

#### **ALSO IN ATTENDANCE**

Mr A Atkinson  
Ms J Atkinson  
Mr R Arnot  
Mr S Dobbison  
Dr D Doherty  
Mr C Grunert

Mr J Harvey-Clarke  
Mr C Holland  
Mr P Holliday  
Mr J Kemp  
Mr S Miah  
Ms K Overbury

Interested Party  
Interested Party  
Solicitor for Applicant  
Interested Party  
DACS Ltd  
Solicitor on behalf of Northun  
Pub Co  
Acoustic Consultant  
Barrister, Danieli Holdings  
Business Partner of Applica  
Barrister, Mr P G Walton  
Applicant  
Ponteland Town Council

Public: 15  
Press: 1

#### **4 ELECTION OF CHAIR FOR THE MEETING**

Councillor Cessford proposed that Councillor Hutchinson be elected as Chair of the meeting, this was seconded by Councillor Wallace.

Ch.'s Initials.....

RESOLVED that Councillor Ian Hutchinson be elected as Chair for the duration of the meeting.

## 5 REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

### **Application of a premises licence in respect of Rialto, 1 Main Street, Ponteland, NE20 9NH and land adjacent thereto.**

The Chair outlined the rules of the hearing and procedure to be followed at the meeting.

Heather Gebbie, Senior Licensing Officer, advised the reason for the hearing was to determine an application for a premises licence in respect of Rialto, 1 Main Street, Ponteland, NE20 9NH and land adjacent thereto.

102 representations had been received from interested parties on the grounds of the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children harm.

After all relevant representations and verbal submissions from those persons entitled to speak, the Subcommittee would determine the application at the conclusion of the hearing.

The Subcommittee was reminded that they may grant the licence subject to conditions; exclude from the scope of the licence, any licensable activities to which the application relates or, reject the application if it was not possible to promote one or more of the licensable objectives. Conditions could only be attached in respect of matters which were subject to the application and in respect of which a relevant representation had been made; and that they were appropriate for the promotion of the licensing objectives.

The four licensing objectives of paramount importance were:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

It was reported that an application had been received on 17 June 2021, from Mr Richard Arnot of Ward Hadaway Solicitors on behalf of Mr Suna Miah for a new premises licence with regards to Rialto, 1 Main Street and land adjacent thereto.

A copy of the application was attached as Appendix 'B'.

The applicant had applied for the licensable activities on and off the premises for:-

Supply of alcohol	Monday - Sunday	11:00 – 00:00
Regulated entertainment	Monday - Sunday	11:00 – 00:00
Late night refreshment	Monday - Sunday	23:00 – 00:00

Ch.'s Initials.....

102 representations had been received from interested parties. Appendix C

Following the vast number of objections received, the applicant requested on 19 July 2021 that a note be circulated to those parties concerned. Appendix D.

Since the report had been published, a noise assessment document with regard to the Orchard and 2 updated plans of the mezzanine had been received.

Supplemental documents had also been received from Danieli Holdings which had been viewed by all parties.

Evidence was heard from Richard Arnott, Solicitor – Ward Hadaway on behalf of the applicant, the applicant, Paul Holliday and Dr Douglas Doherty of DACS Ltd. Questions were then asked of the applicant from the Subcommittee and the interested parties.

Representations were heard from:-

- Several residents including Alan Atkinson, Steven Dobbison, June Atkinson, John Hewitt, Atul Malhotra
- Karen Overbury of Ponteland Town Council
- James Kemp of Counsel on behalf of Philip Charles Walton
- Jack Harvie-Clark of Apex Acoustics on behalf of Philip Charles Walton
- Charles Holland of Counsel on behalf of Danieli Holdings Ltd
- Chris Grunert, Solicitor – John Gaunt & Partners on behalf of Northumberland Pub Co. Ltd

Following the summing up from both parties the Subcommittee retired to make their decision.

The Subcommittee took into account the Licensing Act National Guidance and the Council's own Licensing Policy.

The Subcommittee determined to grant a Premises Licence for the following:-

### **Supply of Alcohol (on sales and off-sales)**

Monday to Sunday 11:00 – 00.00

#### **External Area**

Sunday to Thursday 11:00 – 22:30

Friday to Saturday 11:00 23:00

### **Late Night Refreshment**

Monday to Sunday 23:00 – 00:00 hours

#### **External Area**

Monday to Sunday 23:00 - 23:30 hours

The External Area is that part of the premises hatched in blue on submitted plan Proposed Ground Floor Drawing No. 282-21-002 ("the Plan").

The Conditions to be attached to the licence are:-

- Mandatory conditions
- Additional conditions at Appendix A

The applicant withdrew their application in respect of the provision of Live Music during the hearing. The applicant offered a condition during the hearing that the maximum capacity of the External Area would be 350 patrons. The applicant confirmed during the hearing that the capacity of the existing Rialto restaurant is 120 patrons. As the maximum capacity of the entire premises is 470 patrons, the provision of recorded music is not a licensable activity under the Licensing Act 2003.

#### Reasons for the Determination:-

The Subcommittee considered the representations from all parties both written and oral. The Subcommittee took into account and gave significant weight to the fact that there were no representations from any of the Responsible Authorities regarding the application, save that the applicant had previously agreed a proposed set of conditions with Northumbria Police.

The Subcommittee took into account that the applicant was an experienced licensed operator who had operated Rialto restaurant for over 20 years without any apparent issues or any undermining of the licensing objectives. The applicant confirmed that they would continue to trade with the existing restaurant in situ. The Subcommittee heard that the External Area would be called 'The Orchard' and as per the Plan would contain 3 retail units, 3 food vendors, 6 market stalls, serveries and 152 seats. The Subcommittee was informed that the style of the External Area will be of a 'Victorian Market'.

The Subcommittee heard no concerns from the Interested Parties over the operation of the existing Rialto restaurant part of the premises. The concerns of the Interested Parties were essentially limited to the External Area. The Subcommittee considered that there had been no substantive evidence provided that the licensing objectives would be prejudiced by the grant of the application and were of the view that the concerns of the Interested Parties were perceived issues rather than evidenced. The Subcommittee believed that the conditions attached to the premises licence sufficiently dealt with potential issues raised by the Interested Parties in respect of the licensing objectives.

The Subcommittee was encouraged that the applicant had stated that they would be engaging with residents regarding the premises and whilst the Subcommittee was satisfied that the licensing objectives would not be undermined by the premises, the Interested Parties were reminded that they may apply for a review of the premises licence should any issues materialise in the future.

There is a right of appeal to the Magistrates' Court against this decision which must be lodged within 21 days of the date of the written notification of the decision.

**CHAIR.....**

Ch.'s Initials.....

**DATE.....**

Ch.'s Initials.....