



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Heather Bowers

Email:

Heather.Bowers@northumberland.gov.uk

Tel direct: 01670 622609/07873 700 976

Date: 28 April 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **LICENSING HEARING** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **WEDNESDAY, 10 MAY 2023** at **10.00 AM**.

Yours faithfully

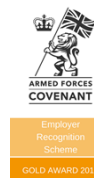
Dr Helen Paterson
Chief Executive

To Licensing Hearing members as follows:-

J Beynon, C Humphrey, A Sharp and M Swinbank



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. ELECTION OF CHAIR FOR THE MEETING

2. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

3. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

(Pages 1
- 28)

Application for a premise licence: The Lookout, Quayside, Berwick upon Tweed, TD15 1HA

To determine an application for a premises licence in respect of The Lookout, Quayside, Berwick upon Tweed, TD15 1HA.

The applicant has applied for the licensable activity for the supply of alcohol on and off the premises from 11:00 – 21:00 Monday to Sunday.

One representation has been received from an interested party on the grounds of: -

- The prevention of crime & disorder
- Public nuisance
- Public safety
- c. The protection of children from harm

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

LICENSING SUB-COMMITTEE

REPORT OF THE DIRECTOR OF HOUSING & PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application for a premises licence in respect of The Lookout, Quayside, Berwick upon Tweed, TD15 1HA.

The applicant has applied for the licensable activity for the supply of alcohol on and off the premises from 11:00 – 21:00 Monday to Sunday.

One representation has been received from an interested party on the grounds of: -

- The prevention of crime & disorder
- Public nuisance
- Public safety
- The protection of children from harm

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 the 16th of March 2023, an application was received from Ms Ruth Forrest for a premises licence in respect of The Lookout, Quayside, Berwick upon Tweed, TD15 1HA.

The applicant has applied for the licensable activity of the supply of alcohol on and off the premises from 11:00 – 21:00 Monday to Sunday. A copy of the application is attached as **(Appendix A)**.

One representation has been received from an Interested Party **(Appendix B)** on the grounds of: -

- The prevention of crime & disorder
- Public nuisance
- Public safety
- The protection of children from harm

Following receipt of the objection from the Interested Party, the Licensing Authority asked for comments from Northumbria Police as other licensed premises and areas were referenced to within the representation. The comments from Northumbria Police are attached as **Appendix C**.

The comments from Northumbria Police were passed on to the Interested Party and further comments are attached as **Appendix D**.

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 B
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
The Prevention of Crime and Disorder	Appendix A
Public Safety	Appendix B
The Prevention of Public Nuisance	Appendix C
The 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	8.28 – 8.32
	8.66 – 8.69
Section 9 – Determining applications	9.3 – 9.10
	9.41 - 9.43
Section 10 – Conditions attached to premises licences	10.1 – 10.68

10. BACKGROUND PAPERS

- Appendix A Application for a premises licence
- Appendix B Representation from Interested Party
- Appendix C Comments from Northumbria Police
- Appendix D Further comments 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

11. CONTACT OFFICER(S)

This report has been prepared by Heather Gebbie, Senior Licensing Officer
heather.gebbie@northumberland.gov.uk

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Note: completing the Applicant Business section is optional in this form.

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Continued from previous page...

Home country

United Kingdom

The country where the headquarters of your business is located.

Continued from previous page...

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

The Lookout

Street

Quayside

District

City or town

Berwick upon Tweed

County or administrative area

Northumberland

Postcode

TD15 1HA

Country

United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

The Lookout

Street

Quayside

District

City or town

Berwick upon Tweed

County or administrative area

Northumberland

Postcode

TD15 1HA

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

2,850

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Ruth

Family name

Forrest

Is the applicant 18 years of age or older?

- Yes
- No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

Nationality Documents that demonstrate entitlement to work in the UK

Right to work share code Right to work share code if not submitting scanned documents

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

Small 16 seater Cafe including take away food and outdoor seating for up to 30 people
For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Continued from previous page...

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises to
be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 11:00

End 21:00

Start

End

SUNDAY

Start 11:00

End 21:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Ruth

Family name

Forrest

Date of birth

Invalid date entered

/ /

dd

mm

yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Continued from previous page...

Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="Northumberland County Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)	<input type="text"/>
--	----------------------

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises to
be used for the activity.

Start

End

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

Carry out a risk assessment to ensure the premises are secure and safe. I will install an alarm and camera system .

c) Public safety

I will comply with the fire and food regulations and also the disability discrimination act.

d) The prevention of public nuisance

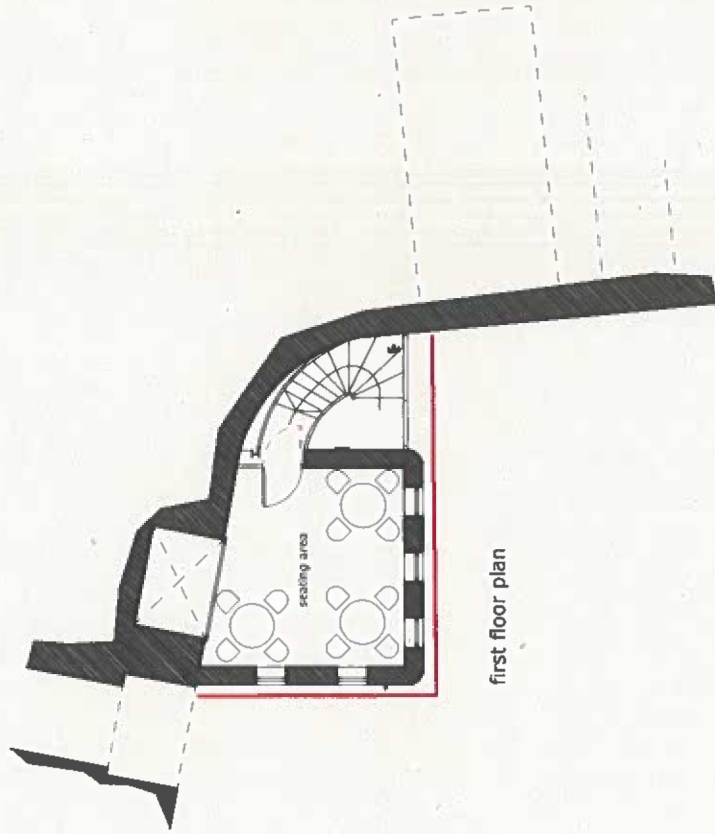
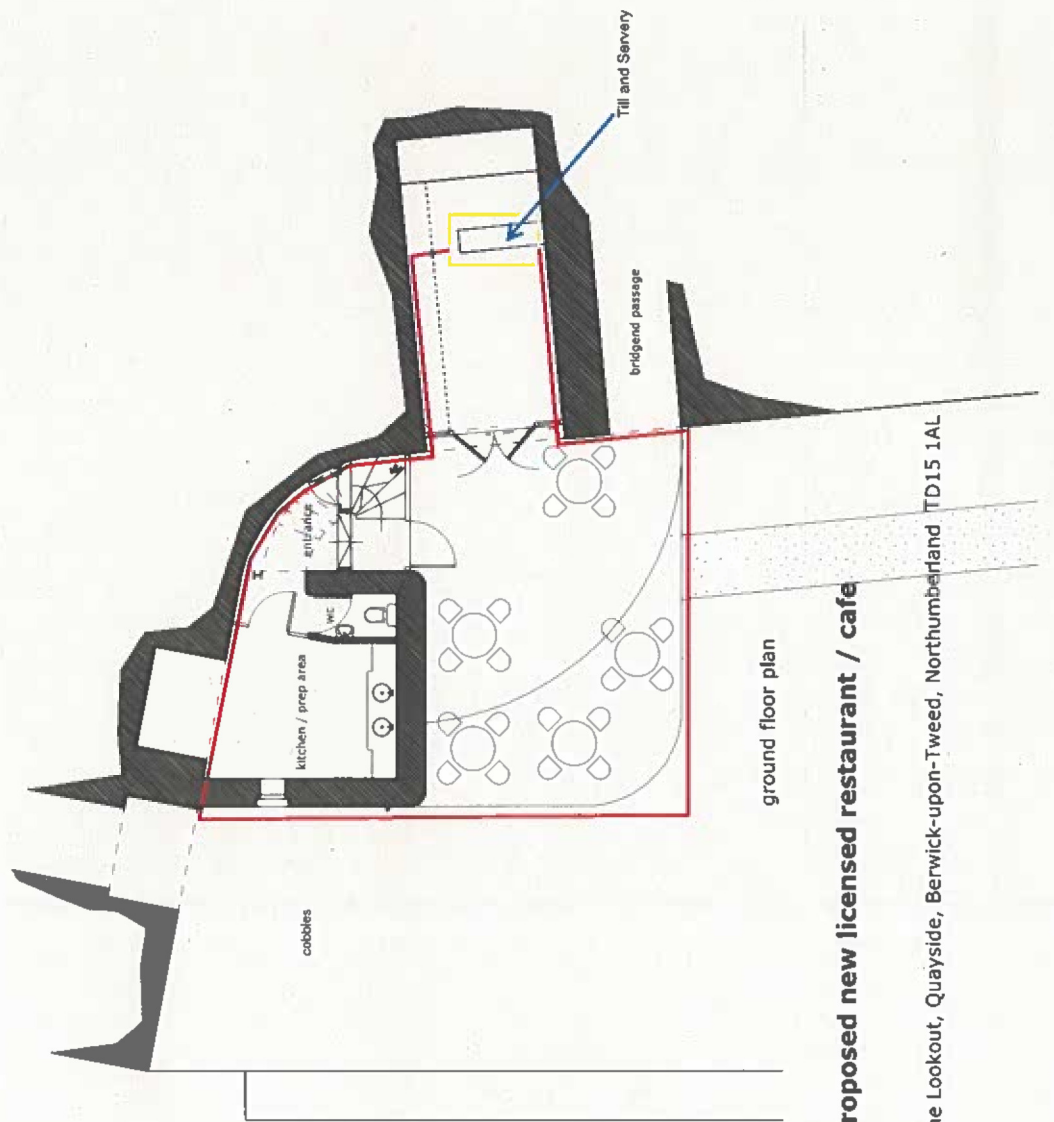
I will not be providing loud music or late night refreshments

e) The protection of children from harm

There will be no gambling on the premises and proof of ID will be required where there is doubt regarding age.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK



Proposed new licensed restaurant / cafe

The Lookout, Quayside, Berwick-upon-Tweed, Northumberland TD15 1AL

DO NOT SCALE

Notice of Representation

Members of the public can submit representations in objection to or in support of the premises licence applications, within the 28 day consultation period.

Please be aware that for any objections to be considered relevant, they should be submitted before the end of the consultation period and they should address the four licensing objectives in relation to the licensing activity.

The licensing objectives are the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Please be aware that where representations are considered relevant copies of the representation will be provided to the applicant and the Licensing Sub Committee.

Please note: Objections will only be considered where a name and address are supplied.

Name: *Michelle & Kevin Waugh*

Address: *1A Quay Walls, Berwick upon Tweed*

Licensing Objective: *The prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm*

Premises: *The Lookout, Berwick upon Tweed*

Reason for Representation:

(continue on separate sheet if necessary)

We have stated this objection for the application of the alcohol licence for The Lookout in BERWICK UPON TWEED. We live directly next to The Lookout and are applying this objection based on the licensing objectives of Prevention of crime and disorder and prevention of public nuisance. We live in the lane directly next to The Lookout, a narrow lane which is a public right of way is one of the only ways to reach The Lookout, We are situated on the Quay walls with 4 historical archways leading from the Quayside to Bridge street, which is a famous historical street which also houses most of the wine bars and eatery's. There are 4 arches, all lanes have residential properties, the 1st one nearest The Lookout is where we live, the second, which also leads you straight to bridge street and is directly at the bottom of the ramp, this is the lane that has now been closed off due to crime and nuisance, the third lane is Sallyport which also leads to Bridge Street, but is a much wider lane and more open. The fourth lane also leads you to Bridge Street but is the main lane taking you to the Granary and YMCA youth hostel.

The couple who own ROJO on bridge street, which is an antique and vintage shop, also live down that second lane and after many many months of battling, involving local councils, authorities and the police, have now had to reinstate the iron gate on the entrance to the lane from Bridge Street which is now going to be locked on evenings. The owners are more than happy for me to mention and discuss them in this objection as they have experienced crime and disorder and public nuisance in the form of constant urinating down the lane, human defecating and littering with cans and bottles etc, this has been found to be caused by the cafe/wine bar next door called Atelier, they serve food platters etc with wine and beer and the customers from Atelier are coming out of Atelier and causing this problem in this second historic lane. The owners of ROJO have specific rights that have allowed them to close and lock the gate from Bridge Street after 4pm and on weekends and since this happened the problem has now completely vanished. It was highlighted to me that one of the problems is that Atelier have only one toilet and can seat approx 28 people, The Lookout also only has one toilet and although they can only seat roughly 18 indoors they are using a number of outside tables probably adding another 20 seats, as stated there is also only 1 toilet at the Lookout.

You will see from the video supplied via email and images that we are a direct link from Bridge Street to the lookout and Quay Walls, however at present there is no reason for drinkers to come down the lane from Bridge Street to the Quay Walls, and public who currently use it are tourists walking and exploring the walls. Customers do have the option to walk down the ramp to get to The Lookout from Bridge Street however we know that customers take the quickest and easiest option and they will use this first lane where we live to get to The Lookout as it is faster and easier and brings you out directly at The Lookout door. If customers were to use an alternative route to get to and from The Lookout this would reduce the problem but that wouldn't be workable as customers will predominantly be coming from Bridge Street and they will undoubtedly use this first lane. The lane in itself is very very narrow and is the narrowest lane out of all 4 of the lanes measuring aprox only 5-6ft in width. The disabled elderly lady who lives next door to us also has to park her mobility scooter outside her front door and use this lane to head to the Quay Walls towards The Lookout as that is her only way in out.

We have had a problem, albeit a smallish problem to date, with littering of beer bottles and cans down the lane and I have had to clean vomit up twice at the top of the lane by the steps. This is not pleasant and we do not want the problem to get worse by the granting of an alcohol licence to The Lookout.

We have spoken directly to the owner at the lookout to state we would be putting in an objection and the reasons so she will not be surprised at this. As stated to Ruth, we want her business to do well but can't as a result tolerate urinating, vomiting, human defecating and littering as a result. We have already had an increase in litter in the lane and also customers using our wheelie bins to put their litter in from The Lookout. Although in hindsight I would rather customers put their litter in the bin that on the ground etc, our properties only get to have 2 small wheelie bins each that have a right to stand in the lane but with collections every fortnight and we can only get two bags per bin, 1 recycling and 1 general waste if others are filling the bins we don't have room for our own rubbish. The owner of The Lookout, Ruth did state she was not intending to be a bar but wanted to serve alcohol with sea/meat platters etc, which is very similar to Ateliers offering. Atelier does not attract a younger alcohol fuelled demographic, their main customer are more mature looking to have a few drinks with a platter of food, therefore the fact that Ruth states she is not planning on running it as a typical bar is irrelevant in this case. Ruth did also state that she applied for a licence until 9pm but had no intention of serving alcohol until then, if this is the case why ask for a licence until 9pm. Should alcohol only be served until say 4pm and as an accompaniment with afternoon tea or a sea platter in the afternoon then I think this would not cause the same problem as it is daytime hours and customers would not urinate, vomit or litter during these hours in the open and daylight.

These objectives are not intended to be obstructive and certainly not vexatious or frivolous and we believe we have fully demonstrated why we have had to put in the objectives to the alcohol licence and fully demonstrated the problems relating to the licensing objectives and given tangible evidence and information to state this.

We have included a video to show the lanes and the issues in question and also provided some photos including photos of rubbish already in the lane. Should you require additional information or explanation please don't hesitate to call or email and we shall be happy to provide.

Kind Regards

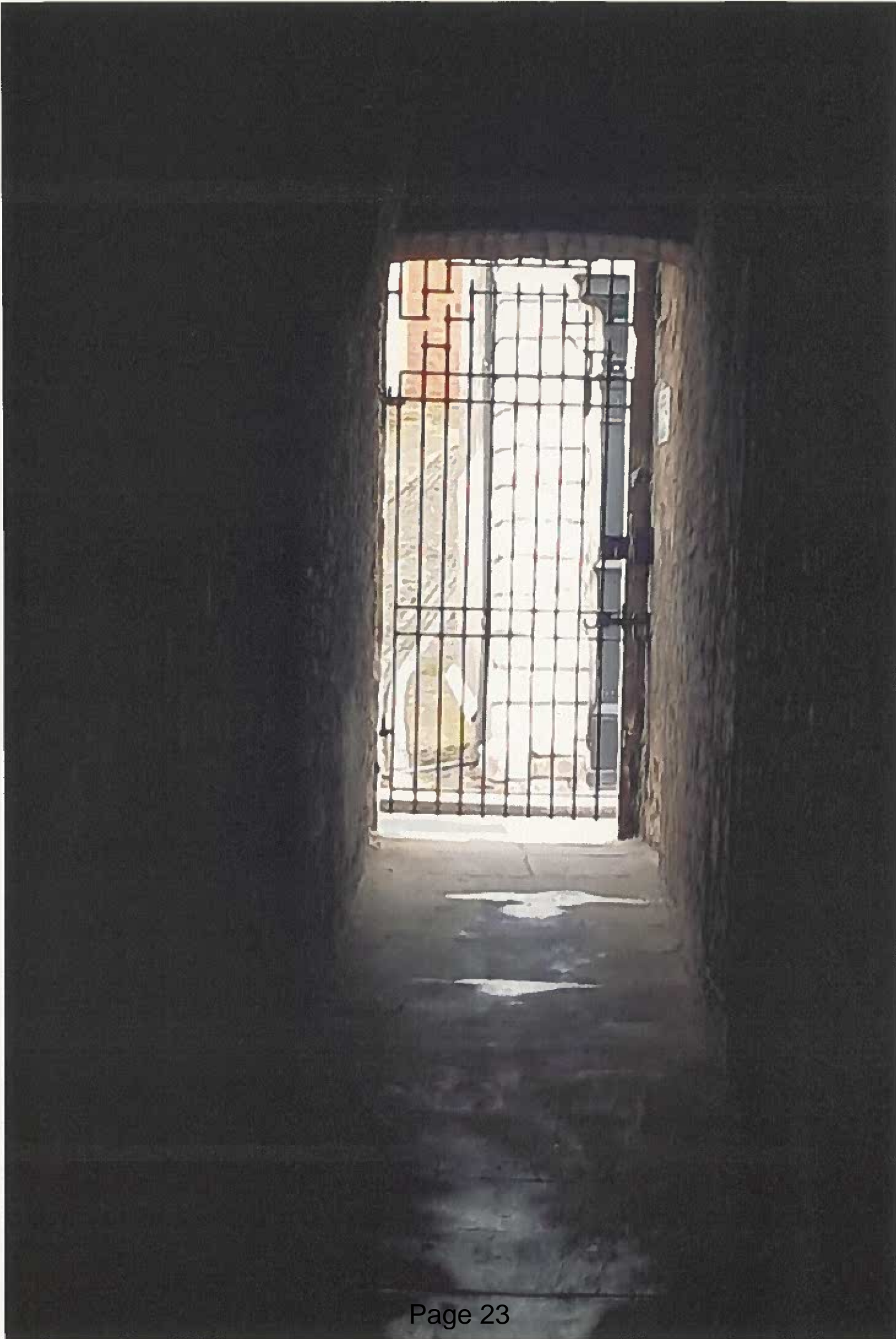
Mr and Mrs Waugh

Signed

Date



KEY ACCESS ONLY FOR
A GOOD REASON TO ENTER IS
GATE TO BE LOCKED
AT ALL TIMES
NO ENTRY BY NIGHT



C

Fw: The Lookout, Berwick - Representation

Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

Wed 19-Apr-23 1:33 PM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

From: Neil Kirkpatrick 5588

Sent: 13 April 2023 13:09

To: Lyndsey Alderson

Subject: FW: The Lookout, Berwick - Representation

Hi Lyndsey,

Please see response from the NPT Insp below.

Kind and best regards

Neil K

Neil Kirkpatrick 5588
Licensing Coordinator (Partnerships)
Northern

From: John Swan 7007

Sent: 13 April 2023 12:22

To: Neil Kirkpatrick 5588

Subject: RE: The Lookout, Berwick - Representation

Good afternoon Neil,

I am not aware of any issues relating to ATELIER in Berwick. It is well run and the majority of the customers are middle aged persons, certainly not the clientele who would cause crime and disorder.

I do not have any concerns and would not be objecting to a licence for THE LOOKOUT

With regards to crime and disorder in Bridge Street and that area, we do not have any problems.

Regards

John

John Swan 700
A/Chief Inspector Communities
Northern

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D

Fw: The Lookout, Berwick - Representation received

Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

From: Michelle Waugh

Hi Lyndsey,

Thankyou for your email.

We just wanted to highlight our objection was not solely related to the issues on Bridge street and the business mentioned. Our objection of course mentioned this but also clearly states that we as residents that live directly next to The Lookout object to a licence being granted for the hours requested. This lane is extremely narrow as mentioned and houses our rubbish bins and the neighbours mobility scooter as mentioned. Also as mentioned we have to date already had issues with vomit and rubbish which we have cleared up on weekends. As this is the quickest and easiest route to and from the lookout this will undoubtedly increase footfall and although its a public right of way using this lane on an evening where this lane is dark and unlit and which customers will be using after drinking has the potential to cause public nuisance and potential crime. The only reason for highlighting the issues in the second lane were to highlight that residents in that lane had issues that were apparently related to other businesses on the street.

Just for reference, we have spoken again to Jonathan and Roland from the antique business in question and they have confirmed to us that the local police are aware of the issue they have given me the name of Andrew the local officer who visited the area with his female colleague to discuss the problem but Jonathan and Roland were informed the police were unable to do anything due to part of the land being on private property and to liaise with the local town council.

Berwick Town council are aware of the problem Gareth the Town Clerk and Julian at the Town council have been involved in the challenges as highlighted and the sole reason for the gate to be reinstated to be closed was due to the urinating and littering down the lane and the town council have supported the preventions. We have also been informed that this information has now been passed onto Northumberland council. Therefore all we can do is highlight and share the information we have on this and how that relates to our separate concerns and objections.

We were very concerned about the granting of the alcohol licence prior to being given the information about the second lane so I am sure you can appreciate the reason why we would also mention this. However our concerns and objections to the potential increase in nuisance and crime, the increase in rubbish, increase of footfall in the narrow and unlit lane etc have been overruled, therefore all we can do is monitor this and report any and all issues immediately to the police and council. As this is a public right of way we have been advised by the town council this morning to report and document all issues. We shall also no longer clear up bottles/rubbish and vomit etc and just report this to northumberland county council to remove and clean.

Have a good day, kind regards
Mr and Mrs Waugh

On Thu, 13 Apr 2023 at 15:32, Lyndsey Alderson <Lyndsey.Alderson@northumberland.gov.uk> wrote:

Hi Michelle,

The Police have not substantiated the claims in relation to there being significant crime and disorder issues mentioned within your representation. The Neighbourhood Inspector has stated

'I am not aware of any issues relating to ATELIER **Page 27** It is well run and the majority of the customers are middle aged persons, certainly not the cliental who would cause crime and disorder.

I do not have any concerns and would not be objecting to a licence for THE LOOKOUT. With regards to crime and disorder in Bridge Street and that area, we do not have any problems.'

You are able to amend your representation to remove reference to Bridge Street and Atelier or you can allow the representation to remain as is but I must make you aware that the Senior Licensing Officer is required to advise Licensing Sub Committee of the Police's views on the area as well as your own.

Kind Regards

Lyndsey

Lyndsey Alderson
Licensing Officer