

LICENSING SUB-COMMITTEE

REPORT OF THE HEAD OF PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application for a premises licence in respect of The Pans, 38 Beresford Road, Seaton Sluice, NE26 4RQ

The applicant has applied for the licensable activities of: -

Recorded music indoors	Monday – Wednesday	08:30 – 20:00
	Thursday - Saturday	08:30 – 22:00
	Sunday	11:00 – 20:00
Supply of alcohol on the premises	Monday - Wednesday	12:00 – 20:00
	Thursday - Saturday	12:00 – 22:00
	Sunday	12:00 – 20:00

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

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

15 representations in support of the application have been received.

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 31st of August 2023, an application was received from Ms Lisa Bagnall for a premises licence in respect of The Pans, 38 Beresford Road, Seaton Sluice, NE26 4RQ.

The applicant has applied for the licensable activities of: -

Recorded music indoors	Monday – Wednesday	08:30 – 20:00
	Thursday - Saturday	08:30 – 22:00
	Sunday	11:00 – 20:00
Supply of alcohol on the premises	Monday - Wednesday	12:00 – 20:00
	Thursday - Saturday	12:00 – 22:00
	Sunday	12:00 – 20:00

A copy of the application is attached as (**Appendix A**).

31 objections have been received from interested parties (**Appendix B**) on the grounds of: -

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

In support of the application, 15 representations have been received (**Appendix C**)

On the 15th of September 2023, the applicant provided a list of extra conditions to be added to the premises licence application following the receipt of objections from interested parties (**Appendix D**). The conditions were sent to all interested parties who at the time had made an objection. Responses to the additional conditions are attached as **Appendix E**.

On the 25th of September 2023, following the responses to the additional conditions, Ms Bagnall withdrew the licensable activities from the outside area and submitted new plans which were forwarded to all interested parties who at the time had made an objection (**Appendix F**). Responses to the new plans removing the licensable activities from the outside area are attached as **Appendix G**.

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 **Appendix C**

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	Objections from Interested Parties
Appendix C	Representations in support of the application
Appendix D	Extra conditions offered by applicant
Appendix E	Responses from interested parties to extra conditions
Appendix F	New plans withdrawing licensable activities in outside area
Appendix G	Responses from interested parties to new outdoor 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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