

## 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: Philip George Wallan Address: The Old Rectory, 1 North Road

Ponteland NE20 9UH Licensing Objective: prevention of crime and disorder, prevention of public nuisance

**Premises: Rialto Restaurant, 1 Main Street, Ponteland NE20 9NH and land adjacent thereto**

Reason for Representation:

*(continue on separate sheet if necessary)*

1. I would be grateful if you could accept this document as my objections in relation to an application dated 17 June 2021 made by Sunah Miah ("the Applicant") pursuant to s.17 of the Licensing Act 2003 for the grant of a premises licence in respect of "Rialto", 1 Main Street "and land adjacent thereto ref NZ16600 72807", Ponteland, NE20 9NH

Objector

2. I am 72 years old, and I reside in The Old Rectory on the opposite corner to Rialto's Restaurant. My property is a grade 2 listed building which does not have the benefit from double glazing.
3. I have resided in this property for nearly 19 years and that I am well versed in life in Ponteland and the facilities that are currently offered

Location

4. No doubt the Licensing Authority in determining the application will be familiar with the area, but nonetheless I advance the following.

*i) Other establishments*

5. Rialto's Restaurant is approximately 60 metres from The Blackbird, Seven Stars and Diamond Pubs. These three Pubs provide a reasonable mix for younger, middle aged and older drinkers with varied food options at each.

*ii) Topography*

6. The entrance to Rialto's Restaurant is on a busy road and roundabout, with currently limited/non-existent areas for stopping and indeed in my experience those attending the premises park in nearby roads and walk to the restaurant.

*iii) Ponteland*

7. This is a rural village with population of less than 11,000 people.

8. I have been made aware of the local planning authorities neighbourhood plan for November 2017 and agree that:

*Ponteland will maintain its identity as a sustainable, thriving community, accessible to people of all ages. A gateway to Northumberland, which values its rural setting, rich heritage, natural environment, and open spaces. It will remain visually distinct and separate from the Newcastle/Tyneside conurbation, meeting the needs of the current population and community of the future, without compromising this distinction. The special identities of Darras Hall, the historic core of Ponteland village and the small settlements in the Plan area will be maintained and enhanced for future generations, making the Civil Parish of Ponteland a desirable place to live, work and visit.*

9. I entirely accept that the current establishments which are predominantly food lead cater to the community both in respect of the economic impact as well as bringing together those who live and work within the area and those wishing to visit

#### **General Current Issues**

10. I agree that living closely to premises selling alcohol and food and also together with being in close proximity to a main road, I have to accept there is likely to be noise etc emanating as a result of people leaving these establishments and either going back to their vehicles or general traffic noise as a result.
11. However, there have been instances at times of excessive noise, urinating on my driveway, gates and throwing of bottles over the wall.

Rialto's Restaurant

12. In respect of the restaurant itself, I will admit that from my experience there has been limited issues arising from the patrons who attend and that leave the premises and therefore I cannot advance that the current licensing objectives are not being met with regards to the running of the premises.

Variation of license

13. I would also object to the current application to vary the license in respect of the restaurant area.

14. The additions appear to be:

- i) to add off-sales;
- ii) to add late night refreshment as a licensable activity;
- iii) to add the regulated entertainment of provision of live music and delete the regulated entertainment of provision of anything of a similar description to live music, recorded music or performances of dance;
- iv) to have a terminal hour for licensable activities of 00.00 seven days a week (so, a 90 minute extension on Sundays);
- v) to remove the special hours for Christmas Day, Good Friday and New Year's Eve;

15. The above additions appear to augment the current restaurant basis that exists and will increase the use of the premises and traffic certainly if the provision of off-sales is allowed.

16. Late night refreshment also appears to step outside the use of the premises as a restaurant and extend licensed support activities to midnight again moving away from the food-based orientation that currently exists.

17. As such I would suggest this would not promote the licensing objectives were a long-standing restaurant is repurposed and aimed more towards the provision of alcohol and live music than the current food and drink.

*Application for the "external area"*

18. From the application submitted, it would appear that the proposal is to turn this area, into somewhat of a behemoth of an outside drinking area and establish somewhat of a separate addition to the already operating restaurant.

19. Whilst no doubt the restaurant appeals to families, couples, and those intending rather obviously to have a meal while socialising, this new area I would submit, cannot be said to be in the same vein.

20. Although I would suggest it is not entirely clear from what has been submitted on behalf of the applicant, it would appear from my rough calculation that this area is going to accommodate circa 300 extra people either through seating arrangements or stood up and together with both food stalls and live music. I cannot but suggest it is some form of "festival" area that is being advanced.

21. In addition, the suggested hours are from 11 am to midnight, seven days a week with alcohol being supplied during those times, including bank holidays.

22. Given the current establishments that exist at present within the village, the type of drinking area that this application envisages, would be wholly foreign to the village and I would suggest have the following detrimental impact to the area and the residents.

- i) Marketing of the new area is no doubt going to attract young drinkers from outside the area who have no affinity to the values of this community. They will more likely than not, simply visit the Village on a pub crawl, as they won't have to go far between four pubs. This means there will be an exponential increase in crime, disorder and public

nuisance which will disproportionately affect me because of where my home is located.

- ii) I am 72 years old and already anxious about walking outside my home at certain times of the day / night. If Rialto's Restaurant is permitted to become a Pub I will be surrounded in my own home by drinking establishments with primarily young drinkers. I am exceptionally concerned at what impact Rialto's being granted a Pub License will have on my safety and independence.
- iii) The entrance to Rialto's Restaurant is on a busy road and roundabout. Vehicles dropping off customers and people congregating, will exacerbate the congestion on an already dangerous junction. I have no doubt there will be road accidents if this application is permitted.
- iv) Patrons to the restaurant often park behind Rialto's and the local bank, but this option will no longer be available if the application proceeds. Attendees it will appear will therefore have to park in nearby roads and walk to the pub, again causing further disturbance to local residents.
- v) The "taxi rank" that is to be provided is, I would suggest, an indication, of the volume of anticipated patrons. In addition, there is a proposal in respect of complete restructuring and production of a one-way traffic system, which again I would suggest is indicative of the number of patrons that the Applicant is hoping to achieve. This is coupled by the proposed condition at 17 that the Applicant considers it necessary to have permanent stewarding in place. This might be apposite for a music festival; it is not appropriate for a permanent venue in a village.
- vi) There is then the issue of noise. The application encompasses live music to the extent whereby a condition is suggested at 18 of the application, which provides for regular assessments of the noise. It is also noteworthy, I would suggest, condition 19 that the noise from amplified live and recorded music arising from the regulated entertainment from the designated premises shall be in audible at the boundary of the nearest

residential dwelling. I have been advised that there is no professionally drafted noise management plan and the proximity of my property that the proposed operation is likely to result in a statutory nuisance.

23. Further I am considering consultation and an acoustic expert with regards to the achievability of such a condition and the likelihood of noise levels emanating from the premises to be heard within the boundaries of my house and the property itself.

24. Further there is currently no planning permission that has been granted. I have noted the licensing authority's statement of licensing policy states at [6.11.2] that it is preferable for premises to have the appropriate planning consent in place before determining a licensing application.

25. I also note from the licensing authority statement of licensing policy that:

*3.1.3 NCC recognises that balancing the interests of licensees, employees, customers and people living near to or engaged in businesses near to licensed premises and clubs will not always be a simple matter. In exercising its responsibilities, the Licensing Authority will always be guided by the four licensing objectives*

26. However further on in that document at paragraph 3.1.6 it comments that:

*The Licensing Act 2003 also supports a number of complementary aims which are integral to the Policy:*

*1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*

27. And at para 6.8.2

*When considering any representations, the Licensing Authority will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents, by considering the following factors amongst other relevant matters:*

- *type of premises, the number of customers likely to attend the premises and the nature of the licensed activity*
- *proposed hours of operation*
- *level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by customers*
- *means of access to the premises i.e. customer entrances and exits*
- *cumulative impact of licensed premises in an area if applicable (see Appendix E)*
- *scope for mitigating any impact;*
- *how often the activity occurs and the nature of any promotions*

### Conclusion

28. Therefore, for the reasons above I submit that the proposed application will not promote the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance, and indeed is wholly unsuitable for the area, and will adversely impact on the lives of residents living nearby.