

**LICENSING SUB-COMMITTEE**  
**REPORT OF THE HEAD OF**  
**HOUSING & PUBLIC PROTECTION**

**Licensing Act 2003**

**1. SYNOPSIS**

To determine an application for a premises licence in respect of Rialto, 1 Main Street, and land adjacent thereto, Ponteland, NE20 9NH. The applicant has applied for the licensable activities for the supply of alcohol, regulated entertainment and late night refreshment on and off the premises.

102 representations have been received from interested parties on the grounds of:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- 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 or any 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

Rialto Italian Restaurant, 1 Main Street, Ponteland, currently holds a premises licence (NPR/1491) for regulated entertainment and the supply of alcohol on the premises only (**Appendix A**).

On 17th June 2021, an application was received 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, Ponteland, NE20 9NH.

A copy of the application for a premises licence, with the plan of the site and offered conditions to be attached to the licence, is attached as (**Appendix B**).

The applicant has 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

All licensable activities have all been applied for with individual relative non-standard timings.

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

Following the vast number of objections received and some of the comments within the content of the representations, the applicant requested on the 19th July 2021 that a note be circulated to those parties concerned. This note was sent along with the notification of the hearing on 30th July 2021 (**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 C**

Representations in support of the application None

## 7. **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

## 8. **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

## 9. **BACKGROUND PAPERS**

Appendix A Current premises licence NPR/1491  
 Appendix B Application for a premises licence  
 Appendix C Representations from Interested Parties  
 Appendix D Applicant note to Interested Parties

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

## 10. **CONTACT OFFICER(S)**

*This report has been prepared by:-*

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