

Public Document Pack

Date of meeting Wednesday, 10th May, 2023
Time 10.00 am
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing Sub-Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APPOINTMENT OF CHAIR
- 2 APOLOGIES
- 3 DECLARATIONS OF INTEREST

Appendix A - Natural Justice Guidance Notes

Appendix B - Human Rights Guidance Notes

Appendix C - Procedure to be followed by the Sub-Committee

- 4 TEMPORARY EVENT NOTICES - 85 SECRET GARDEN,
CLAYTON ROAD, NEWCASTLE. ST5 3NE (Pages 9 - 102)

Members: Councillors Barker MBE, Brockie and S White

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need go:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person (“reasonably informed bystander”) would consider that the interest might have an influence on the exercise of the decision-maker’s duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In considering allegations against Members you should have regard to the provisions of the Human Rights Act 1998 which embody the rules of natural justice.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. These rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NB Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence and the goodwill of a business.

NOTE In this context it is also particularly important for members to observe the rule against bias.

PROCEDURE TO BE FOLLOWED BY THE LICENSING SUB-COMMITTEE

NOTE:

All hearings will normally be held in public. However, the Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. A party or that party's representatives may be treated as a member of the public and therefore excluded from the meeting for all or part of the hearing, and all parties have the right to be represented and to call witnesses.

The Clerk to the Committee will have the right to ask questions on behalf of the Committee of any party to the proceedings.

PROCEDURE:

1. The Chair of the Sub-Committee will open the meeting and introduce the members of the committee and call upon the parties to identify themselves and their representatives and to identify any witnesses they intend to call.
2. The Chair of the Sub-Committee will call upon the Clerk to the Committee to explain to the parties the procedures which will be followed at the hearing. Unless the Chair directs otherwise, each party will normally have a maximum period of one hour in which to give further information and call any witnesses in support of their case. In every case, all parties will have an equal maximum period.
3. The Chair of the Sub-Committee will then normally call upon the interested party or the responsible authority which has made a relevant representation against the grant of an application to provide evidence in support of their representation.
4. The applicant will then have an opportunity to question that person
5. Members of the Sub-Committee will then have the opportunity to question that party or responsible authority.
6. Any person who has made relevant representations will then call any witness in support.
7. The applicant will then have an opportunity to question that witness.
8. Members of the Sub-Committee will then have the opportunity to question that person.
9. Stages 6 to 8 will then be repeated for each person making relevant representations.
10. The applicant will then have the opportunity to give evidence in response to the application and in response to the relevant representations which have been made.
11. The interested party or responsible authority will then have an opportunity to question the applicant.

12. Members of the Sub-Committee will then have the opportunity to question the applicant.
13. Stages 10 to 12 will be repeated for any witnesses on behalf of the holder of the applicant.
14. The interested party or responsible authority will have the right to address the sub committee.
15. The applicant will have the right to address the Sub-Committee in summing up his case.
16. All parties will then leave the room while the Sub-Committee consider their decision.
17. The Sub-Committee will normally make their determination at the conclusion of the hearing, but when this is not possible, will make its determination within the period of five working days beginning with the day on which the hearing was held.



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing Sub-Committee
Wednesday 10 May 2023 - 10:00am

Report Title: Three temporary event notices given for the same premises which have received a relevant representation from a responsible body.

Submitted by: Regulatory Services – Service Director

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Clayton

Purpose of the Report

To inform the sub-committee of three temporary event notices which have been given for the same licensed premises, which have received a relevant representation from Environmental Health.

Recommendation

In accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy the Sub-Committee may consider the Premises Licence related to this premises and must have regard to the four licensing objectives, as below, when making its decision:

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

Reasons

Three temporary event notices were received online on the 25th April 2023 from Mr John Rushton for extensions to the licence of the premises 85 Secret Garden, 81-85 Clayton Road, Newcastle-under-Lyme, ST5 3NE. As part of the notice process, the police and environmental health can act as responsible authorities. A relevant representation was received from the Council's environmental health department, in regards to the licensing objective of prevention of public nuisance for all three notices.

1. **Background**

1.1 Three standard temporary event notices (TEN) were given in regards to the licensed premises 85 Secret Garden, 81-85 Clayton Road, Newcastle-under-Lyme, Staffordshire, ST5 3NE. This premises has been licensed since the 12th April 2018 with a premises licence reference of 17523. A copy of the current premises licence, which includes a plan of the premises, is attached as **Appendix A**.

1.2 On the 25th April 2023 Mr Glyn Cross, acting as an agent for Mr John Rushton, submitted three temporary events for private parties to allow an extension of the licensable hours as follows:

Date of Event	Time of Extension	NULBC Reference
19 to 20 May 2023	00:00-02:00	21614
23 to 24 June 2023	00:00-02:00	21615
21 to 22 July 2023	00:00-02:00	21617

The temporary event notices are attached as 21614 **Appendix B**, 21615 **Appendix C** and 21617 **Appendix D**.

1.3 On the 27th April an email was sent to Mr Cross to confirm that the extensions were only relevant to the early hours of the 20th May, 24th June and 22nd July following events that would be covered by the premises licence on the preceding days. A copy of the email is attached as **Appendix E**.

1.4 The temporary event notices were distributed to the police and environmental health as relevant authorities on the 25th April 2023 and an objection was raised by environmental health later that day. This was followed by a formal objection on the 28th April 2023 on the grounds of public nuisance in regards to all three events. The objection is attached as **Appendix F**.

1.5 There is one complaint 142887 on record, regarding the licensed premises, from 18th May 2021 in relation to concerns over the use of the outside area and changes to the layout of the premises following an article in the local press. The matter was resolved with a variation to the licence which was completed in November 2022. Conditions and a noise management plan were agreed with the environmental health department as part of that application and now form part of the licence as can be seen in Appendix A.

1.6 According to the record in the year to date another temporary event notice reference 21533 was given with no objections or complaints on the 11th to 12th March 2023 for an event that ran until 02:00 hours. The notice is attached as **Appendix G**. There were also three temporary events in the year 2022 that concluded at 01:00 hours. The references and dates for these events were 21219 on the 16th to 17th July 2022, 21356 on the 29th to 30th October 2022 and 21382 on the 4th to 5th November 2022. Again, no objections or complaints can be seen in relation to these events.

1.7 A copy of a location plan of the premises and its local surrounds is attached as **Appendix H**. Whilst the premises is within a row of shops, there are several households to the rear of the premises and adjacent to the carpark and side access to the premises. It is located in the Clayton Ward.

1.8 No objection has been received from Staffordshire Police.

2. **Issues**

2.1. The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i.) The Prevention of Crime and Disorder
- (ii.) Public Safety
- (iii.) The Prevention of Public Nuisance
- (iv.) The Protection of Children from Harm

2.2. The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Copies of the Council’s Statement of Licensing Policy and the Government’s Statutory Guidance will be available at the Licensing Sub-Committee hearing.

2.3. In making their decision on the three notices the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

3. **Proposal**

3.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the following steps for the promotion of the four licensing objectives. The steps available to the Sub-Committee are listed in Section 5.1 of this report.

3.2 For this purpose the conditions of the notice are modified if any condition is added. The conditions imposed must be on the premises licence that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and the conditions should not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

3.3 The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives.

4. **Reasons for Preferred Solution**

4.1 To ensure that the Council promote the licensing objectives in accordance with their statutory duty.

5. **Options Considered**

5.1 The relevant options considered in relation to the three event notices are:

- (a) to issue counter notices in regards to each of the three notices;
- (b) to modify the notices in each of the three notices by adding relevant conditions from the premises licence;
- (c) to grant the notices as submitted.

5.2 The Sub-Committee must make a separate decision for all three Temporary Event Notices.

6. **Legal and Statutory Implications**

6.1 To power to offer a counter notice to a temporary event notice is Section 105 of the Licensing Act 2003 and to modify the notice by adding conditions from the premises licence is Section 106A of the Licensing Act 2003.

6.2 Hearings will be carried out in a fair, proportionate and consistent manner in line with:

Article 6(1) guarantees an applicant a fair hearing
Article 14 guarantees no discrimination

6.3 Premises User has the right to appeal the decision/s at the Magistrates Court and if successful could apply for the award of costs. However it is unlikely given the short timeframe between the hearing date and proposed events dates that an appeal could be heard by the Court.

7. **Equality Impact Assessment**

7.1 Not Applicable

8. **Financial and Resource Implications**

8.1 Not applicable unless an appeal is submitted

9. **Major Risks**

9.1 As above

10. **UN Sustainable Development Goals (UNDSG)**

10.1



11. **Key Decision Information**

11.1 Not Applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy.

13. **List of Appendices**

13.1 Appendix A – Copy of Premises Licence including plan
Appendix B – TEN 21614 for 19-20/05/2023
Appendix C – TEN 21615 for 23-24/06/2023
Appendix D – TEN 21617 for 21-22/07/2023
Appendix E – Email confirming for single night only
Appendix F – Environmental Health objection
Appendix G – TEN 21533 for 11-12/03/2023
Appendix H - Location plan of the premises

14. **Background Papers**

14.1 Licensing Policy 2021-2025

14.2 Licensing Act 2003 Statutory Guidance

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23 November 2022

		Newcastle under Lyme Borough Council Licensing Admin Team Castle House Barracks Road Newcastle-under-Lyme Staffordshire ST5 1BL 01782 717717 www.newcastle-staffs.gov.uk	
LICENSING ACT 2003 PREMISES LICENCE 17523 017523			
PART 1 – Premises Details			
Postal Address of Premises, or if None, Ordnance Survey Map Reference or Description			
85 Secret Garden 81-85 Clayton Road, Newcastle under Lyme, Staffordshire, ST5 3NE			
Where the Licence is Time Limited the Dates			
Licensable Activities Authorised by the Licence			
Live Music Indoors and Outdoors Recorded Music Indoors and Outdoors Performance of Dance Indoors and Outdoors Late Night Refreshment Indoors and Outdoors Supply of Alcohol On and Off Premises			
The Times the Licence Authorises the Carrying out of Licensable Activities			
ACTIVITY	LOCATION	TIMES	
Live Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00	
Recorded Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00	
Performance of Dance	Indoors and Outdoors	Monday to Sunday 08:00-00:00	
Late Night Refreshment	Indoors and Outdoors	Monday to Sunday 23:00-00:00	
Supply of Alcohol		Monday to Sunday 09:00-00:00	
The Opening Hours of the Premises			
Monday to Sunday		08:00-00:30	
PART 2			
Name Registered Address Telephone Number and Email of Holder of Premises Licence			
81-85 Rose garden Limited		860 Leek New Road, Baddeley Green, Stoke on Trent, ST2 7HP	
Registered Number of Holder where Applicable (Charity Number, Company Number)			
11408868			
Name and Address of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol			
Mr John Thomas Rushton [REDACTED]			
Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol			
PA0293		Staffordshire Moorlands	

ANNEXES

Annex 1

Mandatory Conditions

Alcohol

1. No supply of alcohol may be made under the premises licence:

- (a) At a time when there is no designated Premises supervisor in respect on the Premises Licence.
- (b) At a time when the Designated Premises Supervisor does not hold a personal Licence; or
- (c) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or.
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;.
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;.
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;.
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- a holographic mark, or.
- (b) an ultraviolet feature..

6. The responsible person must ensure that—

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”.

7. All individual(s) at the premises for the purpose of carrying out a security activity must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act..

Mandatory Condition in Force From 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;.

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

i. (i) P is the permitted price,

ii. (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

iv. (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

v. (i) the holder of the premises licence,

vi. (ii) the designated premises supervisor (if any) in respect of such a licence, or

vii. (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2

Conditions Consistent with the Operating Schedule

PREVENTION OF CRIME AND DISORDER

1. CCTV must be installed and operating to manufacturer's instructions internally and must cover all public entrances/exits and public areas where licensable activity takes place whilst the premises is open to the public. This must include all areas that smokers are allowed to congregate. The CCTV unit shall be positioned in a secure part of the licensed premises and not within any private area of the location.
2. The time and date must be set to the correct time relating to BST/BMT.
3. The picture must be clear enough to identify people's facial features.
4. All CCTV images must be retained for a period of not less than 31 days.
5. Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
6. The CCTV must be maintained so as to be fully operational and recording at all times when the premises are open to the public. Weekly checks must be made of the operation of the CCTV system to confirm that it is working correctly and such checks are to be recorded in a register which is to be signed by the person conducting the check. This record must be kept fully updated at all times and remain on the premises for inspection at the time of the visit by any Responsible Authority.
7. An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder or misuse of drugs offences must be recorded. The register must be produced and made available at the time of the visit to any responsible authority.

PUBLIC SAFETY

1. There must be no opened vessels containing any alcoholic/non alcoholic drinks taken from the boundary of the premises.
2. The Designated Premises Supervisor must ensure that a written log of any accident or incident is kept on the premises with all the details recorded of dates, times, incident and staff involved.

PREVENTION OF PUBLIC NUISANCE

1. A notice advising customers to leave the premises quietly and respecting the needs of residents must be displayed at each of the exits to the premises.
2. When amplified musical entertainment is taking place inside the premises, after 23.00 windows and doors, save for entrance and exit purposes, shall be kept shut.
3. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
4. There shall be no disposal of bottles outside the premises between the hours of 21:00 and 09:00.
5. No disposal of refuse outside the premises or deliveries made to the premises between 22:00 and 07:00.
6. The rear garden area and the front patio seating areas will be closed after 23:00 hours.
7. The licence holder will adopt the proposed Noise Management Plan as agreed by a relevant officer of the Council and any proposed changes to the Noise Management Plan will be approved by a relevant officer of the Council.

PROTECTION OF CHILDREN FROM HARM

1. A Challenge 25 policy must be adopted and enforced at the premises where all persons who appear under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.

2. The only acceptable forms of identification are a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
3. Challenge 25 posters must be displayed at all entrances to the premises, all areas where alcohol is displayed and at the cash till payment area.
4. Posters must be displayed prominently and in sight of customers and staff.
5. Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 12 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol and age restricted products. Such training must be recorded and up to date training records of all such persons must be maintained at the premises and produced and made available at the time of the visit to any Responsible Authority. There must be eighteen months of records retained.
6. Both initial and subsequent refresher training in relation to the sale of alcohol and age restricted products must contain a test to be undertaken by the staff member and this test or online certificate must be made available at the time of the visit to any Responsible Authority. There must be eighteen months of records retained.
7. A refusals register with details of all refusals must be maintained at the premises. The register may be contained on the till but must contain details of the staff member refusing the sale. The DPS will check the book on a monthly basis and endorse the book with the time and date of the inspection.
8. The refusals register (or electronic print out of refusals) must be produced and made available for inspection at the time of the visit by any Responsible Authority.

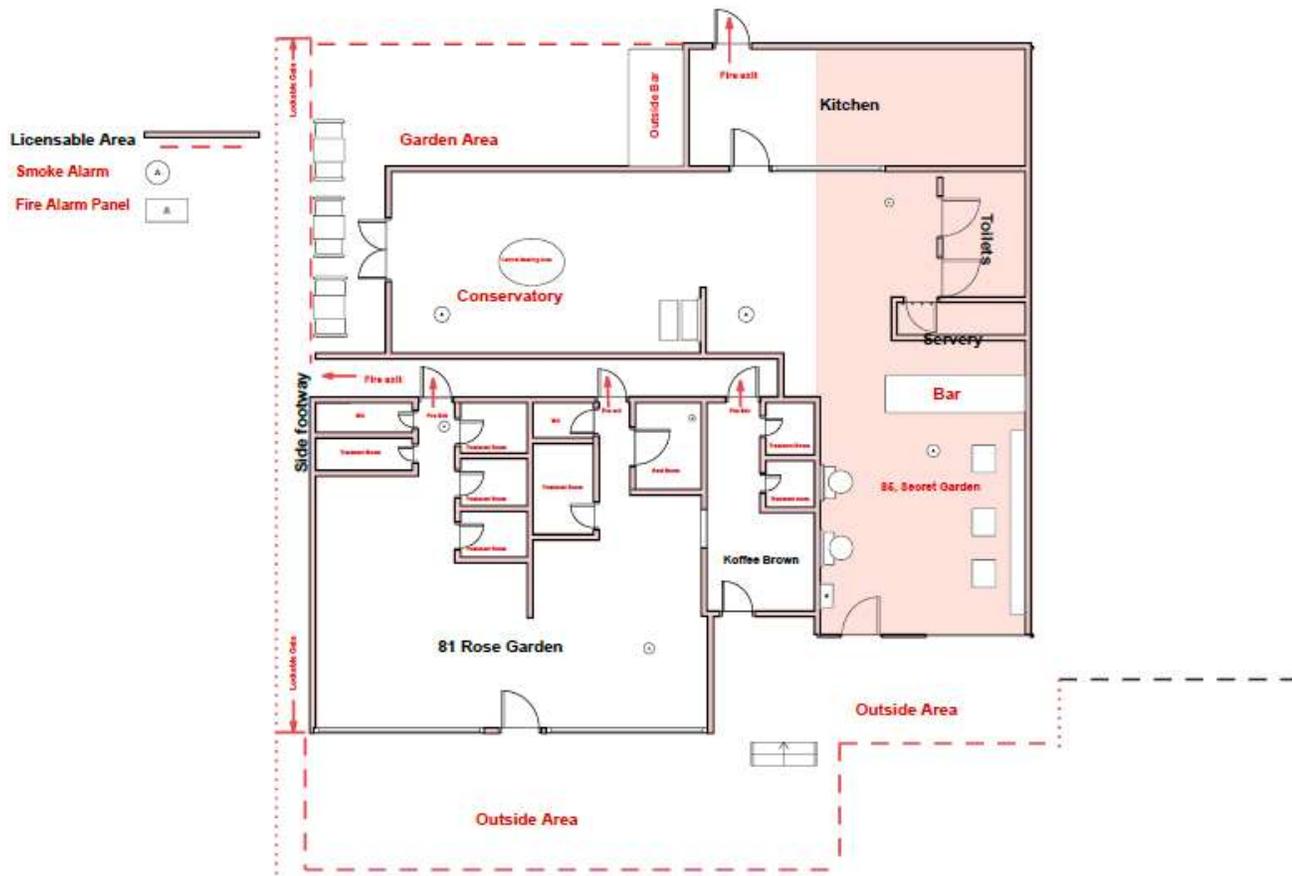
Annex 3

Conditions attached following a Hearing

N/A

Annex 4

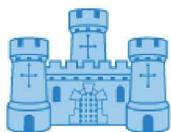
Plans



N.S. Barker

Nesta Barker
Head of Regulatory Services

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**Newcastle-under-Lyme
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@newcastle-staffs.gov.uk
Telephone: 01782 717717

* required information

Section 1 of 9

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

Not Currently In Use

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

John

* Family name

Rushton

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

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

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

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

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence 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

Continued from previous page...

Additional Contact Details

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

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Live or recorded music and dancing, provision of late night refreshment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

* The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
1 (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a
* person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
1 (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary
* conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/newcastle-under-lyme/apply-1> to upload this file and continue with your application.

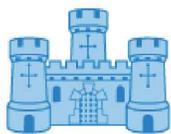
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

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* required information

Section 1 of 9

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System reference

Not Currently In Use

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Your reference

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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

John

* Family name

Rushton

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

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

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

Building number or name	62,
Street	Goms Mill Road
District	Longton
City or town	Stoke on Trent
County or administrative area	Staffs
Postcode	ST32QA
Country	United Kingdom

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

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

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

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.

- Yes No

Building number or name	85 Secret Garden
Street	81-85, Clayton Road,
District	
City or town	Newcastle under Lyme
County or administrative area	Staffs
Postcode	ST5 3NE
Country	United Kingdom

Continued from previous page...

Additional Contact Details

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

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Within the bar and restaurant

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

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1 (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary
* conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Continued from previous page...

Once you're finished you need to do the following:

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2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/newcastle-under-lyme/apply-1> to upload this file and continue with your application.

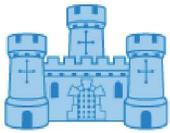
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

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**Newcastle-under-Lyme
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@newcastle-staffs.gov.uk
Telephone: 01782 717717

* required information

Section 1 of 9

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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

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

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

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

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

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

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

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.

- Yes No

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Continued from previous page...

Additional Contact Details

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

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

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If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
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Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

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Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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* conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Continued from previous page...

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1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/newcastle-under-lyme/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

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Melanie Steadman

From: Glyn Cross <[REDACTED]>
Sent: 27 April 2023 17:06
To: Melanie Steadman
Subject: Re: TEN's 85 Secret Garden

CAUTION: This email originated from outside of Newcastle-under-Lyme Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Melanie,
Thanks for your email and for putting me right! As I live in Stoke on Trent I thought the Local elections were nationwide. The 10th May 2023 @10:00 is perfect for us. You are correct about the TEN's they are only required between 00:00 and 02:00 for each application as the Premises Licence is valid until 00:00 each day. Can you amend the applications and the report to the Committee to reflect these amendments.
Regards,

Glyn Cross

On Thu, 27 Apr 2023 at 15:10, Melanie Steadman <[REDACTED]@newcastle-staffs.gov.uk> wrote:

Hi Glyn

Thank you for your email.

We are looking at the 10th May 2023 at 10am as that appears to suit you also from your email. We do not have any elections in Newcastle-under-Lyme so that won't be a factor in us being able to run the sub-committee that day and unfortunately the following week would not be ideal as we need to give the decision at least 24 hours before the event.

Also, please could you confirm that the events are just for one night on each occasion as they are a little bit ambiguous in the way they have been completed and currently the TENs have been acknowledged in light of suggestion b.) below.

Do you want:

a.) Saturday 20th May 00:00-02:00 (1 day from your TEN allowance)

b.) Friday 19th May 00:00-02:00 and Saturday 20th May 00:00-02:00 (2 days from your TEN allowance)

Please also advise with regards to the 21st to 22nd July 2023 and the 23rd to 24th June 2023. If you require a.) then I would recommend when completing the notices in future to say the 20th May 2023 to 20th May 2023 00:00-02:00 and only using the previous day if you cross midnight with your timings for example 23:30-02:00.

Kind regards

Melanie Steadman

Licensing Officer

Newcastle-under-Lyme Borough Council

01782 717717

www.newcastle-staffs.gov.uk

licensing@newcastle-staffs.gov.uk

[Cost of Living Support](#)



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From: Alison Hopkin <[REDACTED]@newcastle-staffs.gov.uk>
Sent: 27 April 2023 11:21
To: Melanie Steadman <[REDACTED]@newcastle-staffs.gov.uk>; Matthew Burton <[REDACTED]@newcastle-staffs.gov.uk>
Subject: FW: TEN's 85 Secret Garden

Ms Alison Hopkin

Licensing Administrator

Environmental Health

Newcastle-under-Lyme Borough Council

Castle House, Barracks Road, Newcastle-Under-Lyme, Staffordshire, ST5 1BL

01782 717717

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From: Glyn Cross <[REDACTED]>
Sent: 27 April 2023 11:19
To: Alison Hopkin <[REDACTED]@newcastle-staffs.gov.uk>
Cc: [REDACTED]
Subject: TEN's 85 Secret Garden

CAUTION: This email originated from outside of Newcastle-under-Lyme Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Alison,

As you may be aware I submitted a number of TEN's for 85 Secret Garden on Tuesday 25th April and Ganis has now contacted me as there has been an objection made regarding the TEN's by Environmental Health.

You have stated that we have 2 options regarding these TEN's, 1 is to withdraw the TEN's, which we will not be doing, and the other is to go to a hearing which we intend to do. From the email you sent to Ganis it appears that there are 4 dates to hold the hearing and provided the hearings take place in the morning we are available for all the dates, if the hearings are to be in the afternoon then Ganis cannot make the 3rd or 10th May. The first TEN is not until 19th May so there is an opportunity to hold the hearing on 16th or 17th May if that makes it easier for you, I realise that the first dates are short notice and the 9th and 10th May will be problematic with the Local Council Elections taking place on 4th May and the makeup of the licensing Committee may change as a result of the elections.

Can you let me know which date is most suitable and I assume that the report will be sent out prior to the hearing, which makes the 2nd and 3rd May less likely to hold the hearing?.

Many thanks,

Glyn Cross

Trent Licensing


Melanie Steadman

From: Karen Benson
Sent: 28 April 2023 14:51
To: Melanie Steadman
Cc: Darren Walters
Subject: [UNCLASSIFIED] TENs 21614, 21615 & 21617 The Secret Garden

[Classification: NULBC UNCLASSIFIED]

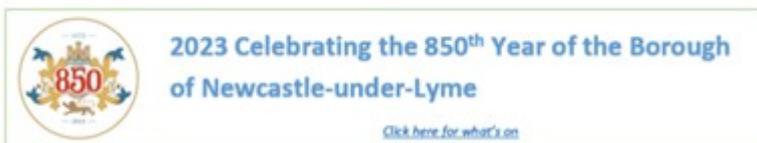
Good afternoon,

I am writing in relation to the Temporary Event Notices for The Secret Garden. Given that the location of the premises is in a residential area, the Environmental Health Division objects to all three of the applications on the grounds of public nuisance from noise associated with patrons, their vehicles, amplified music and operation of kitchen ventilation systems.

Regards

Karen Benson MCIEH CEnvH
Environmental Health Officer
Regulatory Services Division
Sustainable Environment and Operations Directorate
Newcastle-Under-Lyme Borough Council
Castle House, Barracks Road, Newcastle under Lyme. ST5 1BL

Telephone: [REDACTED]



www.newcastle-staffs.gov.uk

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**Newcastle-under-Lyme
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@newcastle-staffs.gov.uk
Telephone: 01782 717717

* required information

Section 1 of 9

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

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

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

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

Building number or name	62,
Street	Goms Mill Road
District	Longton
City or town	Stoke on Trent
County or administrative area	Staffs
Postcode	ST32QA
Country	United Kingdom

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

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

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

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.

- Yes No

Building number or name	85 Secret Garden
Street	81-85, Clayton Road,
District	
City or town	Newcastle under Lyme
County or administrative area	Staffs
Postcode	ST5 3NE
Country	United Kingdom

Continued from previous page...

Additional Contact Details

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

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Small bar and restaurant situated within a Beauty Salon Complex

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Extension of the hours for a promotional Party

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\)](#):

- The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

- The provision of regulated entertainment

- The provision of late night refreshment

- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

11	/	03	/	2023
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

12	/	03	/	2023
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Live or recorded music and dancing, provision of late night refreshment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

* The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
1 (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
1 (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/newcastle-under-lyme/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

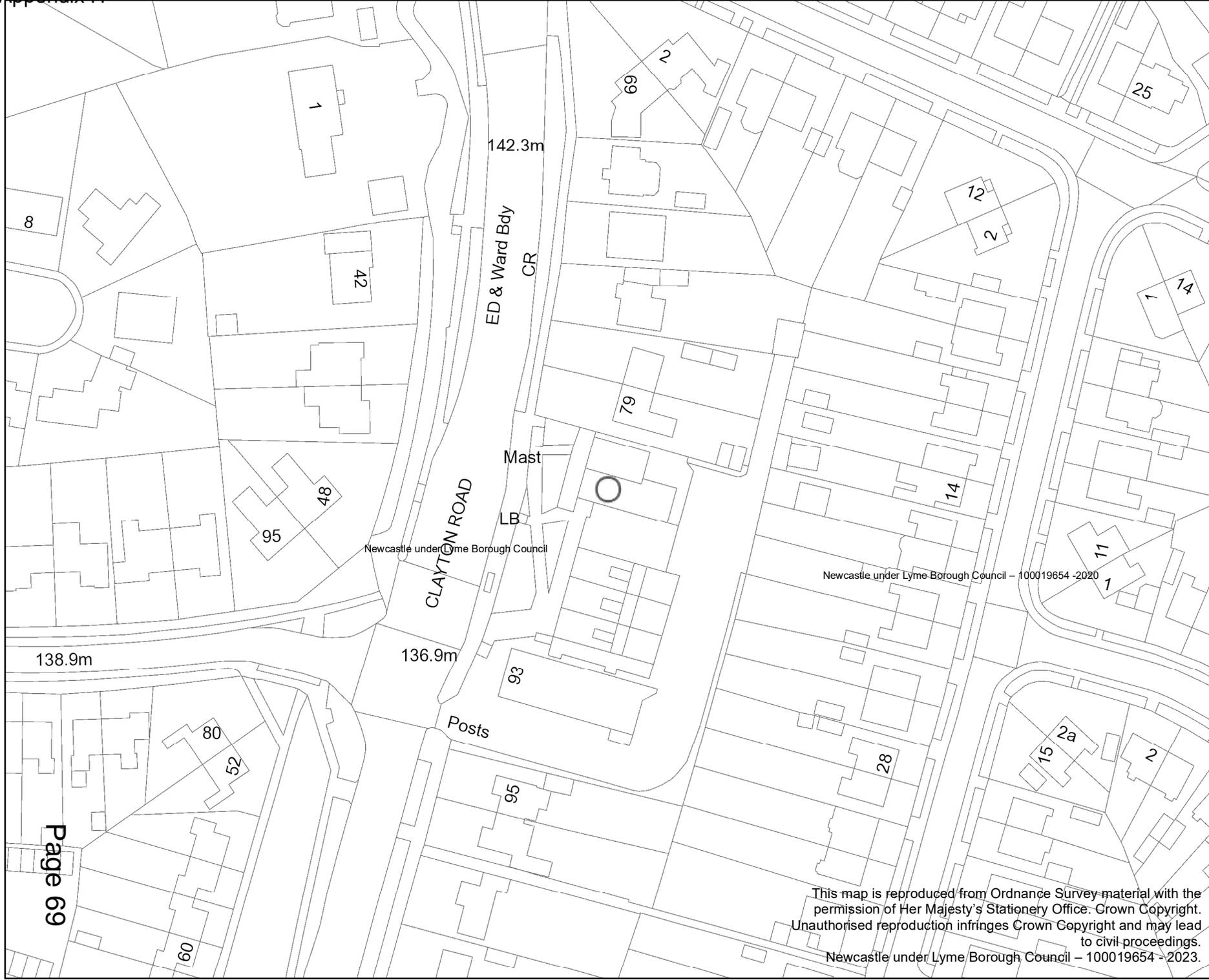
OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

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Online mapping export



Newcastle under Lyme Borough Council

Newcastle under Lyme Borough Council – 100019654 -2020

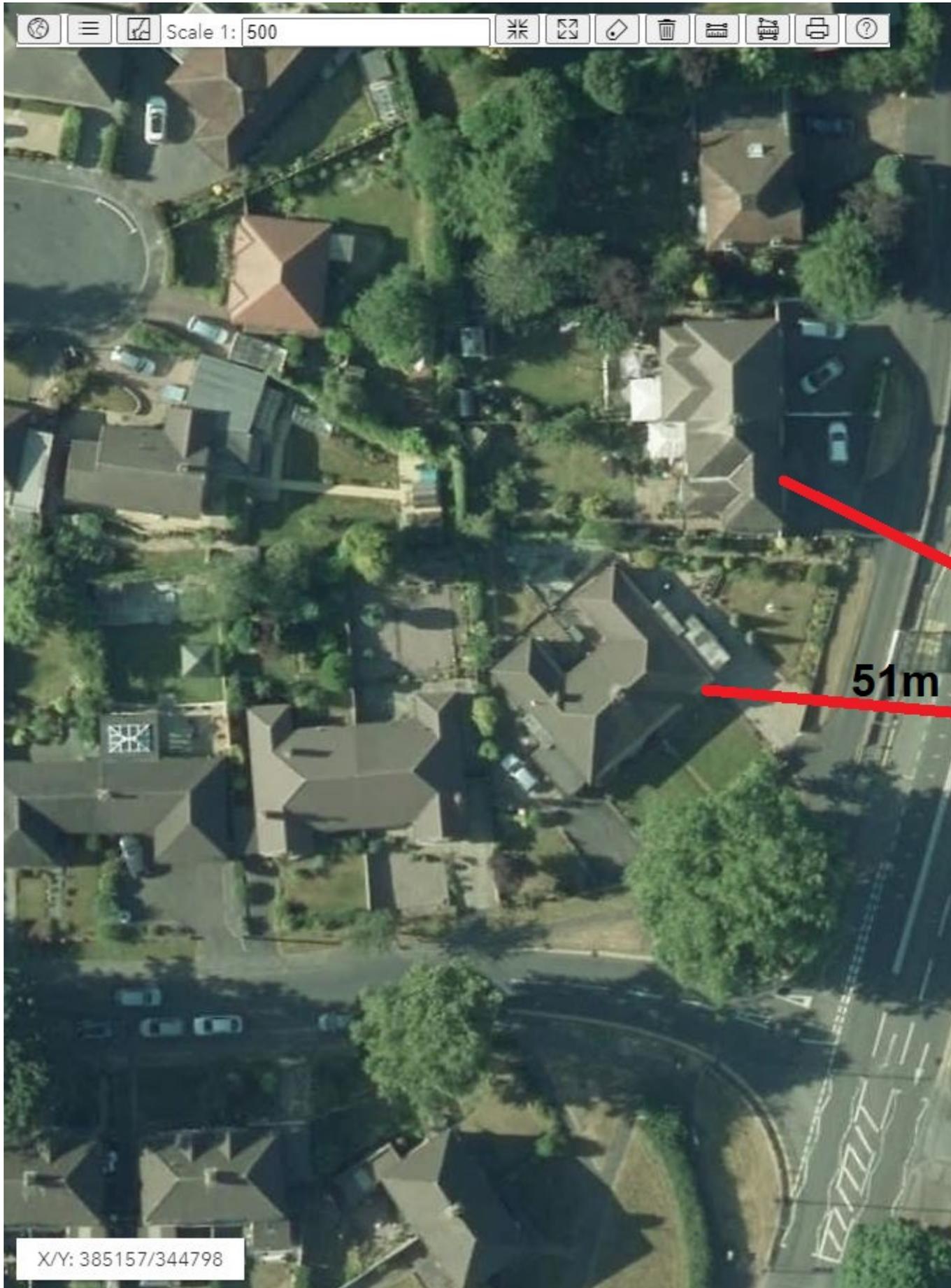
This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Newcastle under Lyme Borough Council – 100019654 -2023.

Newcastle Under Lyme Borough Council
Castle House
Barracks Road
Newcastle Under Lyme
ST5 1BL

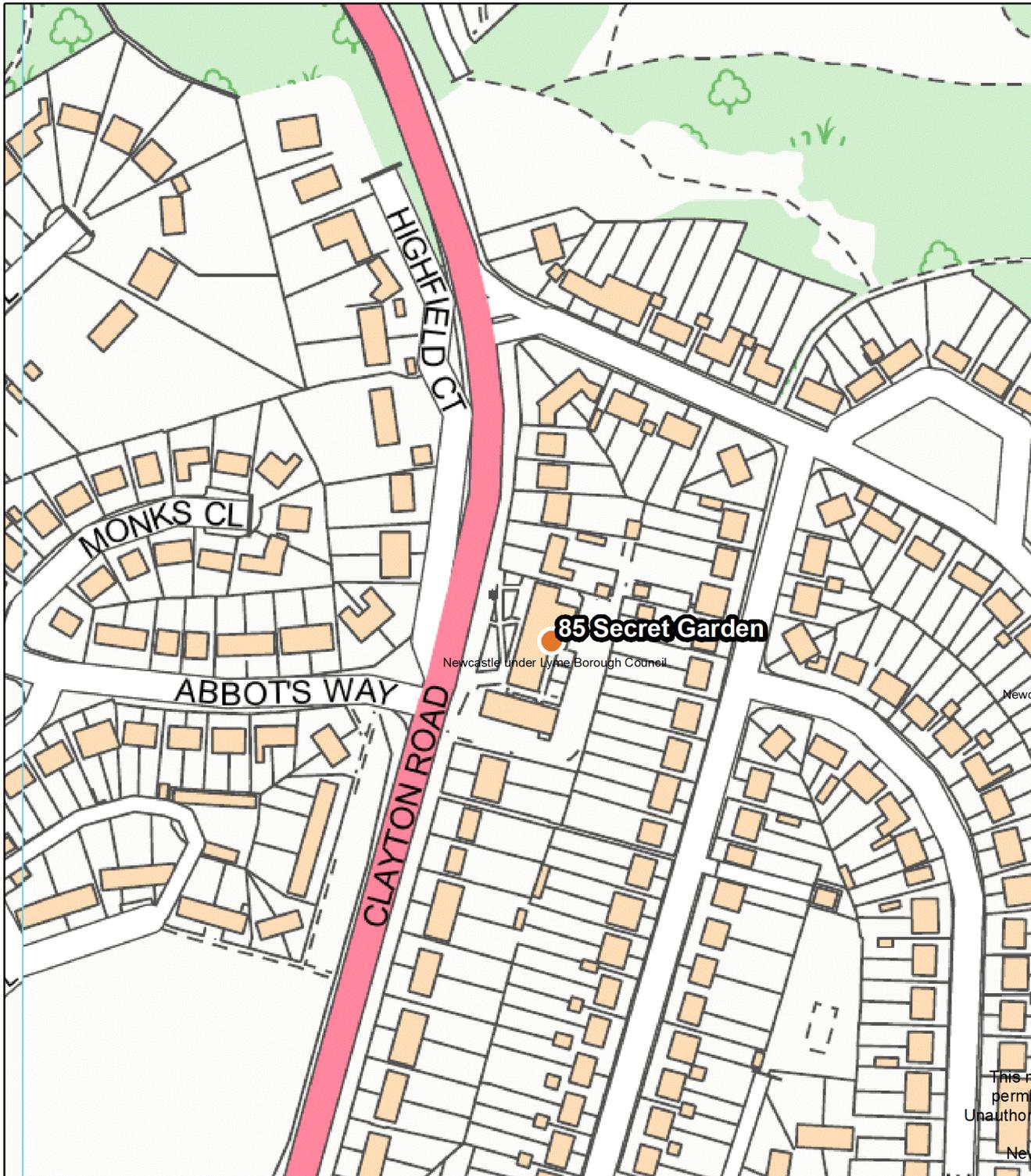
28/04/2023

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Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the location of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the location of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the location of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the area that the premises known as 85 Secret Garden, 85 Clayton Road is located.

Classification: NULBC **RESTRICTED** Organisational

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the rear elevation of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the rear and side elevations of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the location of the final discharge stack of the ventilation system at the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the rear elevation of the premises known as 85 Secret Garden, 85 Clayton Road.

Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the rear elevation of the premises known as 85 Secret Garden, 85 Clayton Road.

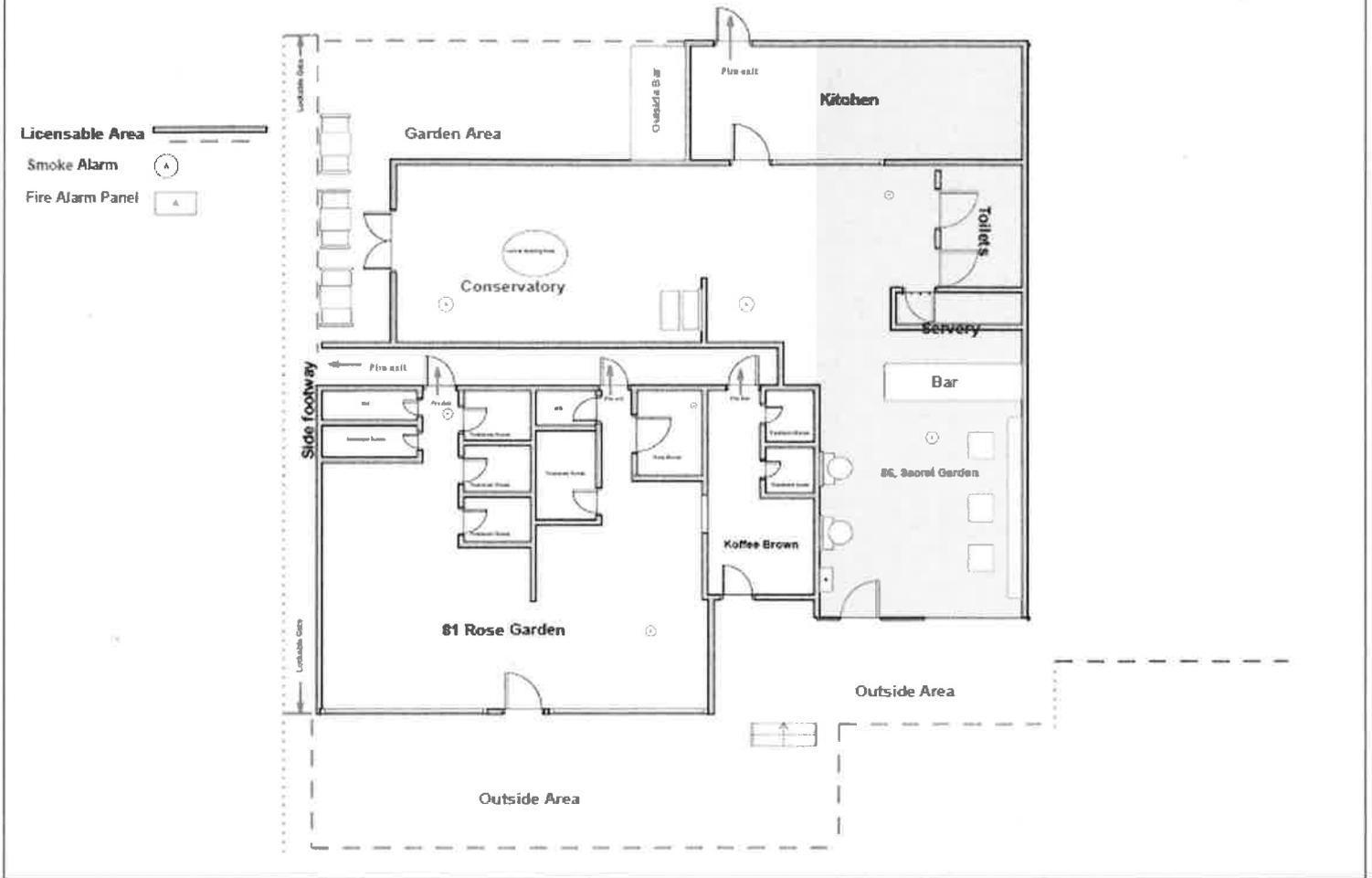
Classification: NULBC **RESTRICTED** Organisational
Case Reference APP M/017523
Location: 85 Secret Garden, 81-85 Clayton Road, Newcastle under Lyme



Copy of a photograph taken on the 4 May 2023 showing the front elevation of the premises known as 85 Secret Garden, 85 Clayton Road.

Annex 4

Plans



N.S. Barker

Nesta Barker
Head of Regulatory Services

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Alexandra Bond

From: Darren Walters
Sent: 04 October 2022 11:01
To: licensing
Subject: [UNCLASSIFIED] RE: 85 Secret Garden - Variation Application

[Classification: NULBC UNCLASSIFIED]

Hello

I have concerns about the proximity of the premises to neighbouring dwellings and noise impact from licensable entertainment and use of the conservatory and outside areas after 11pm, disposal of waste on closing, noise from ventilation and a/c and noise from customers and vehicles. The current licence does not address nuisance from these sources. On the basis of the current application, the Regulatory Services Division **OBJECTS** to this application on the Prevention of Public Nuisance Grounds.

Darren Walters (Team Leader - Environmental Protection)

Regulatory Services Division

Sustainable Environment and Operations Directorate
Newcastle-Under-Lyme Borough Council
Castle House, Barracks Road, Newcastle under Lyme. ST5 1BL
01782 742587

www.newcastle-staffs.gov.uk

It takes 24 trees to produce 1 tonne of paper -think before you print!

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From: Melanie Steadman <Melanie.Steadman@newcastle-staffs.gov.uk>

Sent: 03 October 2022 15:06

To: asb <asb@newcastle-staffs.gov.uk>; Children & Lifelong Learning <cscs@staffordshire.gov.uk>; Darren Walters <Darren.Walters@newcastle-staffs.gov.uk>; Environmental_Health <Environmental_Health@newcastle-staffs.gov.uk>; Home Office Immigration (sarah.fraser@homeoffice.gov.uk) <sarah.fraser@homeoffice.gov.uk>; Nigel Gardner <Nigel.Gardner@newcastle-staffs.gov.uk>; Planning Applications <planningapplications@newcastle-staffs.gov.uk>; Police Licensing (licensinghq@staffordshire.police.uk) <licensinghq@staffordshire.police.uk>; Public Health <anthony.bullock@staffordshire.gov.uk>; Robert Thomas <Robert.Thomas@newcastle-staffs.gov.uk>; Sara Finn <Sara.Finn@newcastle-staffs.gov.uk>; SFRS (simon.emsley@staffordshirefire.gov.uk) <simon.emsley@staffordshirefire.gov.uk>; Sonya Austin <Sonya.Austin@newcastle-staffs.gov.uk>; Staffs Fire and Rescue <nsdg.protect@staffordshirefire.gov.uk>; Staffs Safeguarding Childrens Board <sscb.admin@staffordshire.gov.uk>; Trading Standards <licensing@staffordshire.gov.uk>

Subject: 85 Secret Garden - Variation Application

Good Afternoon

We were in receipt of an application to vary the premises licence at 85 Secret Garden on the 30th September 2022 with the last date for representations as the 28th October 2022. I am not happy with the plan that accompanies the application as it stands and plan to go out to look at it this week as there is no mention of smoke detection, fixed seating and does not match the previous layout that we had for the premises so please be aware there may be an updated version of the plan being sent round later this week.

If there is anything else you would like me to speak to them about please let me know.

Kind regards

Mel

Melanie Steadman

Licensing Officer

Newcastle-under-Lyme Borough Council

01782 717717

www.newcastle-staffs.gov.uk

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Licensed Premises - Producing a Noise Management Plan

Licensed premises have to live in harmony with their neighbours, and by their very nature can often cause some disturbance to people living nearby. The aim of the Noise Management Plan should be to put in place reasonable measures to reduce the noise impact of sources associated with the premises. Since people are generally less tolerant of avoidable noise, particular attention must be paid to reducing or eliminating avoidable noise.

The following table lists *some* of the issues which *may* have to be considered when preparing a noise management plan (NMP) for a premises licence and should be used as an **aide memoir** for preparing the NMP under the headings in the table below. It should be borne in mind that each plan will be premises specific and the table is not exhaustive.

Not all issues will apply to all premises and the practicality of implementing some measures will depend on individual circumstances. Although the preparation and compliance with a NMP may be a requirement of the premises licence it is also expected to be applied to events permitted under Temporary Events Notices (TENS) held at permanently licensed premises.

Source	Possible effects on impact	Mitigation to consider
Inside music noise, films etc (Note 1)	Hours and number of events	Specify hours and consider how often
	Volume	Control e.g. limiters. Live or recorded and cooling down period (Environmental Health is prepared to assist in setting appropriate limits)
	Doors and Windows	Keep closed at all or certain times/self closers
	Vents	Acoustic baffles
	Building design and construction	Sound insulation improvements and lobbies
	Location of speakers	Away from doors/windows, avoid party walls .
	Location of source	Avoiding conservatories or near large single glazed areas or external patron access doors
	Bass control	Limit levels
Outside music (Note 2)	Hours and number of events	Specify – but avoid later times
	Volume	Control e.g. limiters. Live or recorded
	Direction of speakers	Point away from residents (see note 1)
	Location of speakers	As far away from noise sensitive as possible
Deliveries and collections(Note 3)	Times of day	Between 08:00 and 18:00
	Days of week	Mon-Fri only and not on Public Holidays
Smoking shelters, external seating and eating areas (Note 4)	Location	Site away from noise sensitive locations, no music Limit the hours of use, to avoid later times
	Times of use	

	Tables and chairs	Provide rubber feet to chairs and tables, Don't collect tables/chairs from outside late at night
Gardens, and play areas (Note 5)	Music(see above)	Restrict hours, supervise/check and use signs. Supervisor patrols Avoid PA systems or direct away from residents. Consider orientation and screening of any equipment
	Children and customer noise	
	Public address systems	
	Bouncy castle pumps etc.	

Licensed Premises Noise management plan

Customers and Car Parks (See Note 6)	Misuse	Registered staff '3 strikes' rule for unruly customers. Signage at premises exit, Door staff remind patrons on leaving, Supervisor patrols, CCTV. No stereo car rule. Responsible taxi companies. No entry policy after specified "late" Hour. Re-entry policy for smoking. No drinks outside policy. Supervision of smokers
	Leaving customers	
	Radios	
	"Late" hour access	
	Loitering and smoking outside of the premises	
Refuse and recycling bins, bottles and stores, barrels	General noise	Follow good working practices. If noisy do in morning not late evening. Site refuse and recycling stores away from residential if possible
Chillers, air con, extractors etc	Nature of noise including hums, rumbles and whines	Locate sources away from residents. Use quieter plant, silencers and acoustic housings, equipment serviced regularly and well maintained
Skittle alleys	Balls	Various works including cushioning
	Behaviour	Good management
Complaints (See Note 7)	Response and attitude	Record complaints, make contact with residents and deal with reasonable issues swiftly where possible, consider liaising with neighbours giving out name and number of responsible staff to contact if noise is a problem. Consider a neighbour liaison meeting.

It is also advised that the Noise Management Plan is regularly reviewed and updated (see note 9) :

- On existing un-assessed noise sources
- Prior to launching new entertainment
- Before introducing new plant and equipment
- When planning alterations to the Building are proposed
- Following a complaint
- When monitoring procedures identify that controls are inadequate

1. Inside Music Noise

Often the bass elements are noticeable outside, close to the premises and inside nearby premises especially if they are attached. Good management control to keep doors and windows closed and control hours and volumes with a cooling-down period (reduced volume) for the last 15 minutes is achievable by the supervisor. Consideration of location of loudspeakers, limiting Juke Boxes and structural works may require someone with specialist experience bearing in mind that structural works may not be fully effective in reducing bass.

Live music is very difficult to manage, since many musicians bring their own equipment and it cannot be effectively

controlled by the supervisor unless there is a good working relationship. It may be prudent to favour events which minimise impact. Warn neighbours in advance of special events which might have a greater potential for disturbance.

Carry out regular checks at the boundary of the nearest noise sensitive properties, but **remember** if you have been subject to loud music for an hour or so your hearing will not be as sensitive and the music level outside can easily be underestimated when you carry out your check. This effect is known as temporary threshold shift.

2. Outside Music Noise

Outside music can very easily cause a nuisance to nearby neighbours. The nuisance potential is closely linked to volume, hours of use and number of times a year. For example a beer garden with regular piped music for long periods at weekends or during the week is likely to be a nuisance if it can be heard in a neighbour's garden. On the other hand an occasional jazz band (for example) for a couple of hours at lunchtime a few times a year (e.g. Bank Holidays) is much less likely to be a nuisance. Special events such as wedding receptions may need careful planning and thought, including liaison with nearby occupiers.

3. Deliveries, recycling and refuse collections, and stores

Deliveries and collections are noisy e.g. the refrigeration units on delivery vehicles and the clanging of barrels, the rattle of bottles, and the noise from refuse collection vehicles. The most effective way of minimising impact is to ensure that they take place at reasonable times on a weekday. Wherever possible locate stores away from noise sensitive premises and consider the use of purpose built or sound-proofed stores.

4. Smoking shelters, external seating/eating areas. (see note 8 below)

Smoking shelters and the use of external parts for customers to smoke may give rise to disturbance to occupiers of neighbouring premises especially later at night. Carefully consider their location. A smoking shelter may also need planning permission. Similarly external seating and eating areas, either on the premises or on the adjacent street

Licensed Premises Noise management plan can cause problems as can the use of metal tables and chairs, particularly if legs do not have rubber protectors on the feet. Remember that the late night removal of tables and chairs can also give rise to disturbance.

5. Gardens and play areas

Gardens are an important feature of many premises and their use may be difficult to control. Sensible precautions like location, signs and restriction on the hours of use of play areas may help as can supervision.

6. Customers and Car Parks

Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing. Customers congregating outside to smoke, use mobiles or try to hold a conversation across the window façade with friends in the venue can cause problems. Particularly disruptive customers should be warned and a '3 strikes' exclusion policy introduced. Car parks are another area where occasional supervision and checks especially late at night may help to prevent loitering, chatting or inconsiderate and noisy driving. Signs which emphasise the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour should be considered. A good relationship should be fostered with responsible taxi operators and customers encouraged to contact these operators from inside. Taxi drivers should be encouraged to come to the door to collect passengers.

7. Complaints

The importance of a sympathetic and polite response to complaints cannot be over emphasised. Many problems can be defused by the right attitude and response. Letting neighbours know that you are willing to meet with them to discuss issues can help maintain relations and assists with neighbour tolerance. The Council will offer to assist by providing Officer presence at any residents meetings if all parties feel this to be beneficial.

8. Additional Guidance

Smoke-free guidance and additional information on "*Noise Control for Licensed premises*" is available at www.newcastle-staffs.gov.uk

9 Staff Training and NMP updates

Increase and maintain staff awareness relating to noise management issues by inclusion in their regular training. When you update the noise management plan please forward the amended version to the Council's Licensing Enforcement Team.

Further information, advice and support

If you need any additional information or advice on how to reduce noise effects from your premises please contact the Environmental Protection Team on 01782 717717 / envprotection@newcastle-staffs.gov.uk

If you have any questions about your licensing application, you should contact the Licensing Administration Team on 01782 717717

Other sources:

The British Beer and Pub Association have produced guidance for licensees "Effective Management of Noise from Licensed Premises. This can be obtained online at: <http://www.beerandpub.com/industry-briefings/bbpa-guidance-on-licensed-property-noise-control>

Noise at Work Regulations 2005

Have you thought about the noise your staff are being subjected to, especially where entertainment is provided? Have a look at this guidance from the HSE which will help you to comply with your Health and Safety responsibilities under the Noise at Work Regulations 2005. <http://www.hse.gov.uk/noise/musicsound.htm>

This document is available to download from our website at www.newcastle-staffs.gov.uk/licensedpremises/noise

Licensed Premises Noise management plan

NOISE MANAGEMENT PLAN

FOR 85 Secret Garden

Component	Noise management plan – Measures in place / to be taken
Inside music noise, films etc.	<i>When amplified musical entertainment is taking place inside the premises, after 23.00 windows and doors, save for entrance and exit purposes, shall be kept shut.</i>
Outside music	<i>The rear garden area and the front patio areas shall be closed after 23:00hours</i>
Deliveries and collections	<i>No deliveries made to the premises between 21.00 and 0700.</i>
Smoking shelters, external seating and eating areas	<i>None at the location</i>
Gardens and play areas	<i>The rear garden area will be closed after 23:00hours</i>

Customers and car parks	<i>There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.</i>
Refuse and recycling bins, barrels, bottles and stores	<i>There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00. No disposal of refuse outside the premises or</i>
Skittle alleys	<i>None</i>
Equipment such as chillers, air con, kitchen extraction systems	
Complaints	<i>Will be dealt with directly by the DPS and PLH</i>



Signed

Date: 6th October 2022

Signed on behalf of Premises Licence Holder

Signed Date:

Tenant

Continue on another sheet if necessary

Licensed Premises Noise management plan

Further information, advice and support

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Further copies of this Noise Management Plan template can be downloaded from our website www.newcastle-staffs.gov.uk/

Licensed Premises Noise management plan

Licensing Act 2003 PREMISES LICENCE SUMMARY	17523 017523
 NEWCASTLE-UNDER-LYME BOROUGH COUNCIL	Newcastle under Lyme Borough Council Licensing Admin Team Castle House Barracks Road Newcastle-under-Lyme Staffordshire ST5 1BL 01782 717717 www.newcastle-staffs.gov.uk

PART 1 – Premises Details**Postal Address of Premises, or if None, Ordnance Survey Map Reference or Description**

85 Secret Garden
81-85 Clayton Road, Newcastle under Lyme, Staffordshire, ST5 3NE

Where the Licence is Time Limited the Dates**Licensable Activities Authorised by the Licence**

Live Music Indoors and Outdoors	Recorded Music Indoors and Outdoors
Performance of Dance Indoors and Outdoors	Late Night Refreshment Indoors and Outdoors
Supply of Alcohol On and Off Premises	

The Times the Licence Authorises the Carrying out of Licensable Activities

ACTIVITY	LOCATION	TIMES
Live Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Recorded Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Performance of Dance	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Late Night Refreshment	Indoors and Outdoors	Monday to Sunday 23:00-00:00
Supply of Alcohol		Monday to Sunday 09:00-00:00

The Opening Hours of the Premises

Monday to Sunday	08:00-00:30
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PART 2**Name Registered Address Telephone Number and Email of Holder of Premises Licence**

81-85 Rose garden Limited

860 Leek New Road, Baddeley Green, Stoke on Trent, ST2 7HP

Registered Number of Holder where Applicable (Charity Number, Company Number)

11408868

Name of Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol

Mr John Thomas Rushton

Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol

PA0293

Staffordshire Moorlands

N.S. Barker

Nesta Barker
Head of Regulatory Services

Annex 2

Conditions Consistent with the Operating Schedule

PREVENTION OF CRIME AND DISORDER

1. CCTV must be installed and operating to manufacturer's instructions internally and must cover all public entrances/exits and public areas where licensable activity takes place whilst the premises is open to the public. This must include all areas that smokers are allowed to congregate. The CCTV unit shall be positioned in a secure part of the licensed premises and not within any private area of the location.
2. The time and date must be set to the correct time relating to BST/BMT.
3. The picture must be clear enough to identify people's facial features.
4. All CCTV images must be retained for a period of not less than 31 days.
5. Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
6. The CCTV must be maintained so as to be fully operational and recording at all times when the premises are open to the public. Weekly checks must be made of the operation of the CCTV system to confirm that it is working correctly and such checks are to be recorded in a register which is to be signed by the person conducting the check. This record must be kept fully updated at all times and remain on the premises for inspection at the time of the visit by any Responsible Authority.
7. An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder or misuse of drugs offences must be recorded. The register must be produced and made available at the time of the visit to any responsible authority.

PUBLIC SAFETY

1. There must be no opened vessels containing any alcoholic/non alcoholic drinks taken from the boundary of the premises.
2. The Designated Premises Supervisor must ensure that a written log of any accident or incident is kept on the premises with all the details recorded of dates, times, incident and staff involved.

PREVENTION OF PUBLIC NUISANCE

1. A notice advising customers to leave the premises quietly and respecting the needs of residents must be displayed at each of the exits to the premises.
2. When amplified musical entertainment is taking place inside the premises, after 23.00 windows and doors, save for entrance and exit purposes, shall be kept shut.
3. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
4. There shall be no disposal of bottles outside the premises between the hours of 21:00 and 09:00.
5. No disposal of refuse outside the premises or deliveries made to the premises between 22:00 and 07:00.
6. The rear garden area and the front patio seating areas will be closed after 23:00 hours.
7. The licence holder will adopt the proposed Noise Management Plan as agreed by a relevant officer of the Council and any proposed changes to the Noise Management Plan will be approved by a relevant officer of the Council.

PROTECTION OF CHILDREN FROM HARM

1. A Challenge 25 policy must be adopted and enforced at the premises where all persons who appear under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.

Karen Benson
Environmental Health Division
Newcastle Under Lyme

Clayton Road
Newcastle
4.5.2023

Dear Ms Benson,

Re The Secret Garden.

I do not have too many concerns about the Secret Garden but I do feel that some matters need addressing:

1. People are sometimes noisy when leaving at night, about 11pm. and seem unaware that there are residents nearby
Taxi drivers often use their hooters to alert customers of their arrival which is very irritating at night for residents trying to get to sleep.
2. There was one occasion in March when I was woken up about 2 am by a group of very noisy people leaving the venue - car doors were banging etc. I ring nearby rang the Police but didn't want to cause a fuss. I would be very concerned if this were to become a regular problem.
3. Occasionally, I can hear loud music but have not found this to be a major problem so far.



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL	
DATE RECEIVED	
- 5 MAY 2023	
REPLY NEEDED YES/NO	DATE OF REPLY
DEALT WITH BY	FILE REF:

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To Mrs. Karen Benson, NUL Environmental Services.

Re: Recent application by 'Secret Garden' for an extension to hold parties till dawn in the mornings.

I object to this being granted due to Parking Issues, Horns from Taxis peeping to collect persons from Venue slamming of car doors, noisy persons leaving venue too! It disturbs sleep & is frightening as I live by myself. I feel if they gain this permission won't be long before there will be 'live music', single or duo artists performing there, which will be very unsatisfactory. This place is not a party, club, disco venue but will become this if you allow them permission, so I strongly object to any extension.

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Melanie Steadman

Subject: FW: 85 Secret Garden Concerns

From: [REDACTED] >
Sent: 09 May 2023 13:54
To: [REDACTED] >
Subject: 85 Secret Garden Concerns

CAUTION: This email originated from outside of Newcastle-under-Lyme Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Karen,
Thank you for your visit last week regarding the proposed plans for 85 Secret Garden to extend some of their bank holiday hours to 2am opposed to the standard hours of 11pm.

We have recently moved into the house that backs directly onto the restaurant and when looking for properties, one of the first things we did was check google for opening times and felt comfortable that the establishment closes at 11pm (however on their website and Instagram page it does state it is open until 12 o'clock).

My concerns about this staying open until 2am is that on Easter weekend we could hear the bass from the restaurant in our living room over our television. This was on a dreary April night where all of our windows and I'm assuming their windows and doors were mostly shut - in the summer months I am concerned that this would cause a nuisance to the enjoyment of our home if opened later than agreed.

We both work full time and on weekends do not want to be woken up with bass coming from a restaurant.

I am also concerned that by staying open this late it gives people more chance to get intoxicated and become noisy at the car park that backs onto my garden. A bedroom of ours backs onto the restaurant and in the summer with the window open- there is no doubt that the music we heard on Easter weekend would cause us problems sleeping.

I feel that if this extension was to happen, I would no longer have a restaurant backing onto my home but a nightclub!

I would be grateful for our concerns to be taken into account when discussing these plans.

Many thanks,
[REDACTED]

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