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Date of

Friday, 18th August, 2023

meetina

9.30 am Time

Venue

Astley Room - Castle

Contact Geoff Durham 742222



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

Licensing Sub-Committee

AGENDA

PART 1 - OPEN AGENDA

- **APPOINTMENT OF CHAIR** 1
- 2 **APOLOGIES**
- **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

TEMPORARY EVENT NOTICE - CARLTON, 48-50 MERRIAL (Pages 9 - 34) STREET, NEWCASTLE-UNDER-LYME

Members: Councillors Brockie, Skelding and Whieldon

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: - Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 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:

Contacting the Council: Switchboard 01782 717717. Text 07800 140048

> Email webmaster@newcastle-staffs.gov.uk. www.newcastle-staffs.gov.uk

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

- 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)

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 form 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 in 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 <u>and be seen to be</u> 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

 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.

Agenda Item 4

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

<u>Licensing Sub-Committee</u> Friday 18th August 2023 – 09:30am

Report Title: A temporary event notice given for The Carlton, 48-50 Merrial Street,

Newcastle-under-Lyme has received a relevant representation from a

responsible body.

Submitted by: Service Director - Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

Purpose of the Report

To inform the sub-committee of a temporary event notice given for The Carlton, 48-50 Merrial Street, Newcastle-under-Lyme that has 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 must consider the Temporary Event Notice 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

A temporary event notice was received online on 11th August 2023 from Mr Christopher Clegg for an extension to the licence of the premises The Carlton, 48-50 Merrial Street, Newcastle-under-Lyme, ST5 2AW. 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.

1. Background

1.1 A standard temporary event notice (TEN) was given in regards to the licensed premises The Carlton, 48-50 Merrial Street, Newcastle-under-Lyme, ST5 2AW. This premises has been licensed since the August 2013 with a premises licence reference of 10295. It authorises the exhibition of film, live music, recorded music, late night refreshment and the sale of alcohol



- until 01.00 hours Monday to Sunday. A copy of the current premises licence is attached as **Appendix A**.
- 1.2 The Temporary Event Notice submitted is attached to the report as **Appendix B** and is for an extension of the terminal hour to 02.00 into the morning of 28th August 2023.
- 1.3 On 11th August 2023 on objection was received from the Council's Environmental Health Department acting in their role as a responsible authority. A copy of the objection is attached as **Appendix C**. The objection states that they are currently investigating complaints of noise nuisance from the premises and that it would be inappropriate for the event to go ahead as proposed as it is considered that it would breach to licensing objective of Prevention of Public Nuisance.
- 1.4 The Licensing Manager has attempted to contact the premises user via telephone and email on both Friday 11th August and Monday 14th August. In the email correspondence a request has been sought as to whether the premises user may withdraw the TEN or wanted to proceed with a hearing to determine the matter. At the time of writing there has been no response or confirmation of receipt of the emails. The emails are attached as **Appendix D**.
- 1.5 A copy of a location plan of the premises and its local surrounds is attached as **Appendix E**. It is located in the Town Ward.
- 1.6 At the time of writing no objections have been received from Staffordshire Police who have until the end of Wednesday 16th August 2023 to do so.

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 TEN 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.



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 notice in respect of the notice;
 - (b) to modify the notice by adding relevant conditions from the premises licence; or
 - (c) to grant the notice as submitted.
- 5.2 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 for the same premises, or any part of the premises, as the TEN, and the conditions should not be inconsistent with the carrying out of the licensable activities under the TEN.
- 5.3 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.

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 The 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. <u>Earlier Cabinet/Committee Resolutions</u>

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

13. <u>List of Appendices</u>

13.1 Appendix A – Copy of Premises Licence

Appendix B - TEN

Appendix C – Environmental Health objection

Appendix D – Correspondence from Licensing Manager

Appendix E - 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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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 10295 010295

PART 1 - Premises Details

Postal Address of Premises, or if None, Ordnance Survey Map Reference or Description

THE CARLTON

Carlton House, 48-50 Merrial Street, Newcastle Under Lyme, Staffordshire, ST5 2AW

Where the Licence is Time Limited the Dates

Licensable Activities Authorised by the Licence

Films Indoors

Live Music Indoors and Outdoors

Recorded Music 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		
Films	Indoors		Monday - Sunday	10:00 - 01:00	
Live Music	Indoors and Outo	loors	Monday - Sunday	10:00 - 01:00	
Recorded Music	Indoors and Outo	loors	Monday - Sunday	10:00 - 01:00	
Late Night Refreshment	Indoors and Outo	loors	Monday – Sunday	23:00 - 01:00	
Supply of Alcohol			From the beginning of New Year's Eve until the end of New Year's Day.		
			On the occasion of any international sporting event which falls outside of the standard hours, timings for permitted activities and opening will commence one hour before the start of the event and end one hour after the event.		
	N		Monday - Sunday	10:00 - 01:00	
	The Opening Hou	rs of the Premises	, 		
Monday - Sunday				10:00 - 01:00	
	PAF	RT 2			
Name Registered Address Telephone Number and Email of Holder of Premises Licence					
S2 Corporation Ltd		West end Mill, Led	opard Street, Nottingha	m, NG10 4QD	
Registered Number of I	Holder where Appli	cable (Charity Num	ber, Company Number		

Name and Address of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol

Christopher Roy Clegg

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

PA10550000

Derby City Council

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..

Exhibition of films

- (1) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 1) (2) Where -

The film classification body is not specified in the licence, or

The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

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 operative to the approval of the Police Licensing Officer (PLO).
- 2. The CCTV unit shall be positioned in a secure part of the licensed premises and not within any private area of the location.
- 3. The CCTV must be maintained so as to be fully operational and recording at all times when the premises are open to the public.
- 4. All images should be kept for a 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers, upon request or within 24 hours of such a request.
- 5. There will be notices displayed throughout the premises stating that CCTV is in operation.
- 6. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
- 7. Daily checks to be made to check the operation of the CCTV system and confirm it is working correctly and such checks to be recorded in a register which is to be endorsed by the person conducting the check and to contain the name of the person conducting the check. This record is to be kept fully updated at all times and remain on the premises for immediate inspection by the Police, Trading Standards or Local Authority Officers upon request.
- 8. The CCTV system should be capable of securing relevant pictures for review or export at a later date and allow relaying of images on a standard DVD or video player.
- 9. There should be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Local Authority Officers or Trading Standards Officers.
- 10. Where the recording is on a removable medium (i.e. video tape, compact disc, flash card, etc.) A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. A secure storage system to store those recording mediums shall be provided.
- 11. Where door staff will be employed they will be in sufficient numbers to be able to control entry to the premises and deal with any instance of disorderly behaviour simultaneously. All door staff shall be registered with the Security Industry Authority (SIA).
- 12. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as door supervisor in a register kept for that purpose. That record shall contain the following details: a.) The door supervisors name, date of birth and home address
- b.) Security Industry Authority (SIA) licence number
- c.) The time and date he/she starts and finishes duty on each day, d.) Each entry shall be signed by the door supervisor
- 13. That record shall be kept fully updated at all times, remain at the licensed premises and be available for inspection immediately upon demand by an authorised officer of the Local Authority or a Police Officer.
- 14. The Designated Premises Supervisor shall at the reasonable request of the Police or Local Authority display any promotional material regarding drug awareness. A zero tolerance policy will be adopt4ed by the licensee and any incidents concerning drugs reported to the police immediately.
- 15. The Premises Licence Holder, Designated Premises Supervisor or representative of the premises will allow immediate access to police officers into the premises to carry out drug testing/swabbing. Such visits to include the use of a passive police drugs dog and handler.
- 16. The premises will be an active member of the Business Crime Initiative/Pub Watch. The Premises Licence Holder/DPS or another nominee will attend all meetings relevant to the premises as organised by the initiative and will actively participate in the scheme and fully adhere to all rules and regulations of the scheme.

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- 17. Live Premises Football matches, live International Football matches or football matches involving local football teams (within the city of Stoke-on-Trent) will not be shown without written consent from the Police Licensing Unit.
- 18. The Nightnet radio system relevant to the area shall be used at all times when the premises is open and regularly monitored by the DPS or a person nominated by them. The licensee shall ensure that all Police instructions and directions are followed and all instance of crime and disorder reported immediately. All ejections from the venue to be reported to the police via the Nightnet radio.
- 19. The provision of hot food must be available at all times premises are open to the public and until 23:00 hours.

PUBLIC SAFETY

- 1. Means of escape will be maintained unobstructed and clearly identifiable.
- 2. Any gas and electrical appliances on the premise will have current safety certificates.
- 3. The Designated Premises Supervisor shall ensure that a written log of any accident or incidents is kept on the premises with all the details recorded of dates, time incident and staff involved, etc. Written records will be retained and shall be made available for inspection on demand by an authorised officer of the Council, a police officer or an officer from the Fire Authority.
- 4. Adequate and appropriate first aid equipment will be available.
- 5. Fire extinguishers to be regularly checked.

PREVENTION OF PUBLIC NUISANCE

- 1. Notices to be displayed requesting patrons to disperse quietly from the premises.
- 2. Regular checks by staff of the immediate outside area and to encourage patrons to conduct themselves in an orderly manner.
- 3. Noise from regulated entertainment shall be inaudible at the boundary of the nearest noise sensitive premises.

PROTECTION OF CHILDREN FROM HARM

- 1. The premises will adopt a locally recognised Challenge 25 scheme to tackle underage sales. All staff will be fully trained in its use before being allowed to sell alcohol. This training to be refreshed every 2 calendar months and a written record kept. Persons who appear to be under the age of 25 shall be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standard Scheme (PASS). The only acceptable alternative being either a photo driving licence or passport.
- 2. The Designated Premises Supervisor should ensure that a record is kept of all staff training and is fully updated at all times. The records of training must be kept at the licensed premises and be made available immediately to police officers or trading standards officers upon request.
- 3. A refusals book must be held at the premises and contain details of the time and date of any sales refused in relation to persons that are underage. The book must also 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 inspection.
- 4. All person authorised to sell alcohol will complete an underage sales training program which includes a written test to verify his or her competency. This record will be available to the Police or authorised officers of Newcastle Borough Council. A written record (which shall be immediately available to Police Officers and authorised officers of Newcastle Borough Council) shall be kept at the premises and detail all persons who are authorised to sell alcohol.
- 5. No events specifically catering for under 18s will be allowed at the premises except where there has been submitted to the Police Licensing Unit a written request with a minimum of 14 days notice AND the Police Licensing Unit gives written consent to the event taking place.

Annex 3 Conditions attached following a Hearing Annex 3 CONDITIONS ATTACHED AFTER A HEARING Not applicable Annex 4 Plans ANNEX 4 Plan(s)

Nesta Barker

10.5. Baskor

Head of Environmental Health Services

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8 Julie 202 i	
Licensing Act 2003	10295
PREMISES LICENCE SUMMARY	010295
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

THE CARLTON

Carlton House, 48-50 Merrial Street, Newcastle Under Lyme, Staffordshire, ST5 2AW

Where the Licence is Time Limited the Dates

Licensable Activities Authorised by the Licence

Films Indoors

Live Music Indoors and Outdoors

Recorded Music 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			
Films	Indoors		Monday - Sunday	10:00 - 01:00	
Live Music	Indoors and Outdo	ors	Monday – Sunday	10:00 - 01:00	
Recorded Music	Indoors and Outdo	ors	Monday - Sunday	10:00 - 01:00	
Late Night Refreshment	Indoors and Outdo	oors	Monday - Sunday	23:00 - 01:00	
Supply of Alcohol	From the beginning of New Year's Eve until the end of New Year's Day On the occasion of any international sporting event which falls outside of the standard hours, timings for permitted activities and opening will commence one hour before the start of the event and end one hour after the event. Monday - Sunday 10:00 - 01:0			lew Year's Day. y event which andard hours, activities and ace one hour e event and	
	The Opening Hours	of the Premises			
Monday - Sunday		10:00 - 01:00			
PART 2					
Name Registered Address Telephone Number and Email of Holder of Premises Licence					
S2 Corporation Ltd	S2 Corporation Ltd West End Mill, Leopard Street, Nottingham, NG10 4QD		ttingham,		

Page 18 6

8 June 2021				
Registered Number of Holder where Applica	ble (Charity Number, Company Number)			
Name of Designated Premises Supervisor Where the P	remises Licence Authorises the Supply of Alcohol			
Christopher Roy Clegg				
Christopher Roy Clegg				
Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor				
Where the Premise Licence Authorises the Supply of Alcohol				
PA10550000 Derby City Council				
PA10550000 Derby City Council				

N.S. Baskor

Nesta Barker Head of Environmental Health Services



Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)						
1. Your name	hristo	pher	Clego	3		
Title	Mr Mrs Mi	ss Ms Other (please state)			
Surname	clego	s topher				
Forenames	Chris	topher				к.
2. Previous names Please continue on				nes or maiden na	ames, if applic	able.
Title	Mr Mrs M	iss Ms Other (please state			
Surname						
Forenames						
3. Your date of birt	h		Day	Month	Year	
4. Your place of bit	rth					
5. National Insurar	nce Number					
6. Your current add the separate corres			ss to corresp	oond with you u	nless you com	plete
Post town		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Postcode			
7. Other contact de	etails					
Telephone number Daytime	s	01782	616	390		
Evening (optional)						
Mobile (optional)						
Fax number (optio	nal)	. z o más z opská za hostavanjek spánosket spačie filo prámovket		tin to a construction of the state of the st	and the second s	
E-Mail address (if available)		INFO	2 the	-carlto	on.co.	N

Page 21

8. Alternative address for correaddress to correspond with you	espondence (If you complete the details below, we will use this u)
,	
Construction of the Constr	
Post town	Postcode
9. Alternative contact details (i	f applicable)
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
	premises where you intend to carry on the licensable activities or, ailed description (including the Ordnance Survey references)
Carlton House 48-50 Merric Newcastle und ST5 ZAW	al street
	b premises certificate have effect in relation to the premises (or o, please enter the licence or certificate number below.
Premises licence number	010295
Club premises certificate numb	per
	of the premises at this address or intend to restrict the area to se give a description and details below.
NIL	
Please describe the nature of th	ne premises below.
The Carlton	
cafe / Bar	
Please describe the nature of the	ne event below. Bank holiday special

Classification: NULBC **UNCLASSIFIED** $\frac{2}{2}$

Bank	holiday	Special

3. The licensable activities			
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)			
The sale by retail of alcohol		✓	
The supply of alcohol by or on behalf of a club to, o of the club	r to the order of, a member	✓	
The provision of regulated entertainment		✓	
The provision of late night refreshment	4 1	✓	
Are you giving a late temporary event notice?		ý	
Please state the dates on which you intend to use the activities. (Please read note 9)	se premises for licensable		
27/08/23 - 28/08/23			
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)			
Extension from 01:00 to 02:00			
Please 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. (Please read note 11)			
If the licensable activities will include the sale or supply of alcohol, please state whether these will	On the premises only	1 / 1	
be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	× 1		
	Both		

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

DJ entertainment From 6pm - Zam

4. Personal licence holders (Pleas	e read note 14)
Do you currently hold a valid pers (Please tick)	sonal licence? Yes No
If "Yes" please provide the details	of your personal licence below.
Issuing licensing authority	Derby eity council
Licence number	PA10550000
Date of issue	2005
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick that apply to you)	k the bo	oxes
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 🗸
If answering yes, please 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 b) begins 24 hours or less after the event period proposed in this notice?	Yes	No 🗸

6. Associates and business colleagues (Please read note 16 and tick the boxes that	t apply	to you)
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 🗸

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
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 b) begins 24 hours or less after the event period proposed in this notice?	Yes	No 🗸
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
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
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 🗸

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	/
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	✓
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	✓
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	\
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<
Made or enclosed payment of the fee for the application	✓
Signed the declaration in Section 9 below	✓

8	Condition	(Please read	note 19)	Constitution of the Consti	week also now a second or second seco	manufacture and the second
٠,	Condition	(1 icase read	11016 18)			

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations ((Please read note 19)	
The information	contained in this form is	s correct to the best of my knowledge and belief.
event notice and any amount; and (ii) to permit and is liable on summ	or recklessly make a fal that a person is liable or unauthorised licensable	se statement in or in connection with this temporary in summary conviction for such an offence to a fine of activity to be carried on at any place and that a person such offence to a fine of any amount, or to both.
Signature		
Date	10/09	5/23

Christopher Cleag

For completion by the licensing authority

Name of

Person signing

10. Acknowledg	gement (Please read note 20)
I acknowledge re	eceipt of this temporary event notice.
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Matthew Burton

From: Darren Walters

 Sent:
 11 August 2023 10:08

 To:
 info@the-carlton.co.uk

Cc: licensing; Karen Benson; Robert Thomas; Environmental_Health

Subject: [UNCLASSIFIED] FW: TEN for the Carlton August bank holiday weekend 2023

Categories: Matt, Alison

[Classification: NULBC UNCLASSIFIED]

Mr Clegg

Further to your TEN application for the above. Please find below a formal objection to this application raised by myself on behalf of Environmental Health as a responsible authority under the Licensing Act 2003.

Kind regards

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

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From: Darren Walters Sent: 11 August 2023 10:06

To: licensing " @newcastle-staffs.gov.uk">" @newcastle-staffs.gov.uk; Karen Benson " @newcastle-staffs.gov.uk; Robert Thomas " @newcastle-staffs.gov.uk; Nesta Barker " @newcastle-staffs.gov.uk

Subject: [UNCLASSIFIED] RE: TEN for the Carlton August bank holiday weekend 2023

[Classification: NULBC UNCLASSIFIED]

Good morning

The Environmental Protection team is currently investigating noise complaints related to the use of this establishment. We have recorded evidence which demonstrates that noise can be heard clearly within a nearby dwelling. On their return from leave, the case officer will be discussing this with The Carlton management and taking appropriate evidence based action.

Given the current complaints, I would consider it inappropriate for an event of the nature applied for to go ahead as I consider that this will be in breach of the Licensing objective concerned with the Prevention of Public Nuisance.

As a responsible authority under the Licensing Act 2003 and given the above, Environmental Health therefore objects to this TEN's application.

Kind regards

Darren Walters (Team Leader - Environmental Protection) – Please note I will be unavailable between the 11th and 29th August 2023. Please direct any enquires to environmental health@newcastle-staffs.gov.uk

Regulatory Services Division

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

From: Matthew Burton

Sent: 14 August 2023 11:15

To: info@the-carlton.co.uk

Cc: licensing; Robert Thomas; Environmental_Health; Licensing HQ; Lisa Roberts

Subject: RE: URGENT - Temporary Event Notice for 27-28th August 2023 - OBJECTION

RECEIVED

Importance: High

Tracking: Recipient Delivery Read

info@the-carlton.co.uk

licensing Delivered: 14/08/2023 11:15

Robert Thomas Delivered: 14/08/2023 11:15 Read: 14/08/2023 11:36

Environmental_Health Delivered: 14/08/2023 11:15

Licensing HQ Lisa Roberts

Dear Mr Clegg,

In furtherance to my email from Friday, as I have not received a response, I have begun to organise a Licensing Sub-Committee meeting for Friday 18th August 2023.

Please treat this email as formal notification that unless you withdraw the Temporary Event Notice (TEN), as described in my previous email, then the Council will hold a hearing to determine the matter at 09.30am on Friday 18th August 2023 in the Astley Room, Castle House, Barracks Road, Newcastle-under-Lyme, ST5 1BL. You are invited to attend and may bring a representative with you whether or not they are legally qualified. You do not have to attend however the matter will be heard in your absence.

Please confirm receipt of this email and whether you wish to withdraw the TEN, or proceed with the hearing.

Regards, Matt

Matt Burton

Licensing Administration Team Manager – Regulatory Services Newcastle-under-Lyme Borough Council

01782

www.newcastle-staffs.gov.uk

Please note that I will be on leave between 21st August to 4th September inclusive

If you require any support at this difficult time then please visit: https://www.newcastle-staffs.gov.uk/costofliving



2023 Celebrating the 850th Year of the Borough of Newcastle-under-Lyme

Click here for what's on

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From: Matthew Burton Sent: 11 August 2023 12:51

To: 'info@the-carlton.co.uk' <info@the-carlton.co.uk> **Cc:** licensing < licensing@newcastle-staffs.gov.uk>

Subject: URGENT - Temporary Event Notice for 27-28th August 2023 - OBJECTION RECEIVED

Importance: High

Dear Mr Clegg,

I have called the telephone number listed on the Temporary Event Notice (TEN) at approximately midday today, I spoke to your colleague who was going to pass my number on to you. However given the urgent nature of the matter I wanted to follow up in writing.

The Licensing Department are in receipt of your TEN submitted for an extension of licensable hour for an event over the upcoming bank holiday weekend.

Upon receipt the Council's Environmental Health (EH) team have lodged an objection to the event taking place, which I am aware has been sent directly to you. The reason provided is that they have recorded evidence demonstrating that noise can clearly be heard inside a nearby dwelling. I understand that there have been a number of complaints of this nature made to the Council and an officer will be in touch with you in due course to discuss these. The objection goes on to state that it would be inappropriate for the event to go ahead as submitted, as if it did then it is considered it would breach the licensing objective concerned with the Prevention of Public Nuisance. I have spoken to the officer who has submitted the representation and he had confirmed there are multiple recordings from different dates.

As the premises user for the TEN (the individual named on the form) you have options as to how to proceed:

- 1. You can withdraw the TEN in writing by sending an email to me and/or <u>licensing@newcastle-staffs.gov.uk</u>. This means that you will not be able to have the extension to 02.00 however you would still have your existing licence to 01.00. If withdrawn before the end of Wednesday 16th August then we would also issue a refund of the £21.00 fee, and you would regain the two days TEN allowance;
- 2. You can pursue the TEN in which case we will have to hold a Licensing Sub-Committee meeting in advance of the event. The Sub-Committee would be made up of 3 elected Members of the Council who have been trained in licensing matters. You would be invited to attend and give verbal representations. EH would attend and provide evidence supporting their objection to the event taking place. At the end of the meeting the Sub-Committee would either allow the event to go ahead as submitted, or determine that the event could not go ahead at all and a formal Counter Notice would be issued prohibiting the event from taking place.

Due to the very short timescales that we have to hold a hearing of this nature if I do not receive written notification of this event before Monday 14th August I will have to begin preparations for a Licensing Sub-Committee meeting.

The decision is entirely yours, however given that the EH have multiple recordings which have been described to me as 'severe' my advice would be to withdraw the TEN on this occasion, liaise with EH about the concerns and work with them to address any potential issues.

Notwithstanding the TEN, if there are evidenced issues at a licensed premises that continue and breach at least one of the four licensing objectives it is possible for a responsible authority such as EH, or a local resident to submit a review of the premises licence with a view to having the licence restricted, suspended or ultimately revoked. That would be automatically put to the Licensing Sub-Committee and if there was sufficient evidence supporting the concerns then they would likely take some action against that licence.

I'd be grateful if you could confirm receipt of this email and written notification of whether you wish to withdraw the TEN or proceed with the hearing. If you wish to withdraw please provide relevant bank details to enable us to issue the refund to you.

I look forward to hearing from you as soon as possible but prior to Monday 14th August at the latest.

Regards, Matt

Matt Burton

Licensing Administration Team Manager – Regulatory Services Newcastle-under-Lyme Borough Council

01782

www.newcastle-staffs.gov.uk

Please note that I will be on leave between 21st August to 4th September inclusive

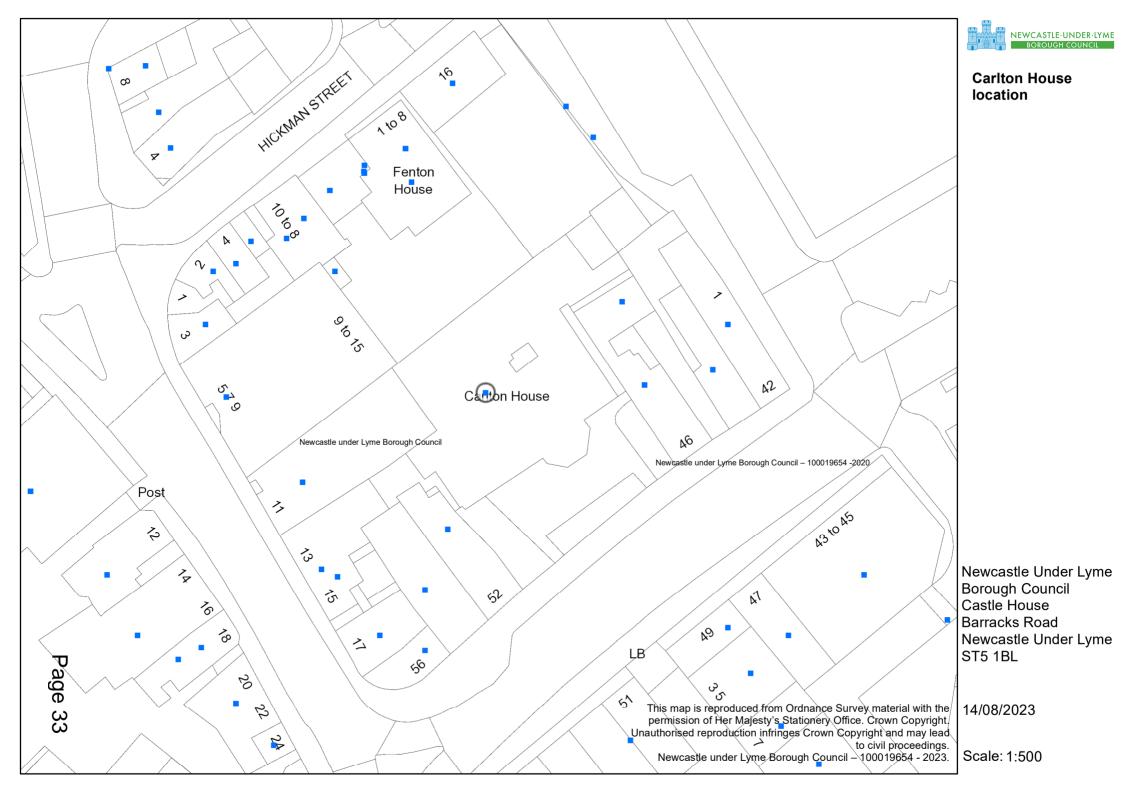
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