

**TITLE OF REPORT:**     **Application for the review of a Premises Licence:**  
The Pelaw Inn, Shields Road, Pelaw, Gateshead, NE10 0QD

**REPORT OF:**           **Strategic Director, Communities & Environment:**  
Licensing Officer

---

## **1.     PURPOSE OF THE REPORT**

The Sub-Committee is asked to consider the application from Gateshead Council's Environmental Health Authority for the review of a Premises Licence for The Pelaw Inn, Shields Road, Pelaw, Gateshead, NE10 0QD.

Representations were received from members of the public.

## **2.     BACKGROUND**

There has been a premises licence for The Pelaw Inn, Shields Road, Pelaw, Gateshead, NE10 0QD and has been since 23 August 2005.

An application was made to transfer the premises licence to Graham John Richardson on 13 December 2005. No objections were made to this application.

On 7 March 2006 Graham John Richardson submitted an application to vary the premises licence application. The variation application was to alter the layout of the premises, to add late night refreshment every day from 23:00 hours to 00:00 hours and to extend the hours for the sale of alcohol from 10:00 hours until 23:00 hours Sunday to Thursday and 00:30 hours Friday and Saturday and to provide musical entertainment within those hours.

The application was heard before the Licensing Sub-Committee on 28 April 2006 following a representation from the Planning Authority. The Sub-Committee decided to grant parts of the application, namely the layout changes and to vary the permitted hours for supply of alcohol and regulated entertainment for the down stairs bar area only. Conditions were added namely:

- Noise and vibration from regulated entertainment shall not be audible at the nearest noise sensitive location.
- Windows, fire escapes and doors (except for access and egress) shall remain closed during regulated entertainment events at the premises.

At the hearing an agreement was reached between the parties under which the Planning Authority withdrew its objection to the extension of hours for the downstairs, bar area provided that the applicant forthwith submit an application for the removal of pre-existing planning condition in respect of that part of the premises.

The Sub-Committee refused to add the provision of late night refreshment because it was not advertised as part of the application in accordance with the regulations.

On 3 August 2017 an application was submitted to vary the premises licence. The application sought to amend the licensing plan for the ground floor of the premises, amend the opening hours for non-licensable activities to 08:00 daily and to remove a number of superfluous conditions from the licence. Environmental Health Authority submitted a representation raising concerns as to the impact that the amendment of the plan was likely to have on the promotion of the Licensing Objectives. Following mediation the proposed plan was amended to cover a lesser part of the premises than that originally applied for. Environmental Health Authority was satisfied that the amendments to the proposal should mean that the adverse impact on the promotion of the Licensing Objectives is prevented. All parties agreed that a hearing before the Licensing Sub-Committee was unnecessary on the basis that the licence can be modified to include the amended plan.

### **3. THE CURRENT REVIEW APPLICATION**

The review application submitted by the Environmental Health Authority ('Applicant') is attached at Appendix 1. A copy of the Premises Licence is attached at Appendix 1.1.

The Applicant applied for a review of the existing licence (Appendix 1.1) under s51 of the Licensing Act 2003 on the following grounds:

**The Environmental Health Service has concerns in relation to the licensing objective 'the Prevention of Public Nuisance'.**

**The Environmental Health Team has repeatedly received complaints of noise from Entertainment (live bands and other entertainment) at the Pelaw Inn for the last couple of years affecting nearby residents in their home. Despite initial informal discussions and correspondence with Graham Richardson (the DPS), including most recently in July 2017 the noise complaints have continued. Noise from entertainment at the pub has been regularly audible by the complaint in their property to the extent where the music is at times clearly recognisable. Recent noise monitoring by the Environmental Health Service including the installation of noise monitoring equipment in the complainants' home and further attendance by an officer at night has determined that the entertainment is clearly audible in the complainant's home.**

The application for review relates to the following licensing objective:

- The prevention of public nuisance

The application for review was advertised in accordance with the provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

The Licensing Authority may attach conditions to any licence which are appropriate for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Gateshead Council's Statement of Licensing Policy is attached at Appendix 1.2.

#### **4. REPRESENTATIONS**

The following representations have been received:

- An individual who has asked for her representation to be anonymised (Appendix 2)
- Christine Cox (Appendix 2.1)
- Emma Graham, Aiden Graham and Norman Norris (Appendix 2.2)
- Garry Croft (Appendix 2.3)
- Helen Slimin (Appendix 2.4)
- Lyn Mulligan (Appendix 2.5)
- Samantha Rhoades (Appendix 2.6)
- Shaun McKenna (Appendix 2.7)
- Julie Storey (Appendix 2.8)
- Sven Thorsen (Appendix 2.9)
- John Doonan (Appendix 2.10)
- Stephen Lodge (Appendix 2.11)
- Kerril Leightley (Appendix 2.12)
- Kate and Alan Richardson (Appendix 2.13)
- Dawn Duggan (Appendix 2.14)
- Ian Salkeld (Appendix 2.15)
- Peter Minnikin (Appendix 2.16)
- Dr Deborah Coleen Black (Appendix 2.17)
- Ian Dougla (Appendix 2.18)
- Terry Harbron (Appendix 2.19)
- Kayliegh Johnson (Appendix 2.20)
- R J Stephenson (Appendix 2.21)
- Jemima Whelan (Appendix 2.22)
- Janice Anderson (Appendix 2.23)
- E Richardson (Appendix 2.24)
- Peter Anderson (Appendix 2.25)
- Mark Durham (Appendix 2.26)
- Marie Croft (Appendix 2.27)
- Ruth Musgrave (Appendix 2.28)

#### **5. PARTIES**

The Parties to the hearing will be:

1. Environmental Health Authority;
2. Graham Richardson, the Premises Licence Holder represented by Karen Cochrane from Flint Bishop LLP;
3. Individual who has asked for their representation to be anonymised (Appendix 2)
4. Christine Cox
5. Emma Graham, Aiden Graham and Norman Norris
6. Garry Croft
7. Helen Slimin
8. Lynn Mulligan

9. Samantha Rhoades
10. Shaun McKenna
11. Julie Storey
12. Sven Thorsen
13. John Doonan
14. Stephen Lodge
15. Kerril Leightley
16. Kate and Alan Richardson
17. Dawn Duggan
18. Ian Salkeld
19. Peter Minnikin
20. Dr Deborah Coleen Black
21. Ian Dougla
22. Terry Harbron
23. Kayliegh Johnson
24. R J Stephenson
25. Jemima Whelan
26. Janice Anderson
27. E Richardson
28. Peter Anderson
29. Mark Durham
30. Marie Croft
31. Ruth Musgrave

## **6. THE POLICY & GUIDANCE**

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Licensing Act 2003
- (c) the Amended Guidance (April 2017) issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4. The parties may refer to any part of the Policy and Guidance during the hearing.

An area plan and photographs of the area are attached at Appendix 5 and 6.

## **7. FOR DECISION**

The Licensing Authority may, having regard to the application, take any of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Take no action;
- Modify the conditions of the licence (alter, add or remove conditions);
- Remove the designated premises supervisor;
- Suspend the licence for a period not exceeding three months; or
- Revoke the licence.

## APPENDICES

Appendix	1	Review Application
	1.1	Premises Licence
	1.2	Pool of Model Conditions from Gateshead Council's Licensing Policy
Appendix	2	Representation from an individual who has asked for their details to be anonymised
	2.1	Representation from Christine Cox
	2.2	Representation from Emma Graham, Aiden Graham and Norman Norris
	2.3	Representation from Garry Croft
	2.4	Representation from Helen Slimin
	2.5	Representation from Lynn Mulligan
	2.6	Representation from Samantha
	2.7	Representation from Shaun McKenna
	2.8	Representation from Julie Storey
	2.9	Representation from Sven Thorsen
	2.10	Representation from John Doonan
	2.11	Representation from Stephen Lodge
	2.12	Representation from Kerril Leightley
	2.13	Representation from Kate and Alan Richardson
	2.14	Representation from Dawn Duggan
	2.15	Representation from Ian Salkeld
	2.16	Representation from Peter Minnikin
	2.17	Representation from Dr Deborah Coleen Black
	2.18	Representation from Ian Dougla
	2.19	Representation from Terry Harbron
	2.20	Representation from Kayliegh Johnson
	2.21	Representation from R J Stephenson
	2.22	Representation from Jemima Whelan
	2.23	Representation from Janice Anderson
	2.24	Representation from E Richardson
	2.25	Representation from Peter Anderson
	2.26	Representation from Mark Durham
	2.27	Representation from Marie Croft
	2.28	Representation from Ruth Musgrave
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003.
Appendix	5	Area Plan
Appendix	6	Photographs of the area