

**TITLE OF REPORT:** **Application for the variation of a Premises Licence:**  
The Metropole, 262 High Street, Gateshead, NE8 1AQ

**REPORT OF:** **Acting Strategic Director, Communities and Environment:**  
Licensing Officer

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## 1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application from Amber Taverns Ltd to vary the premises licence for The Metropole, 262 High Street, Gateshead, NE8 1AQ.

## 2. BACKGROUND

### The Application

The application submitted by Amber Taverns Ltd ('Applicant') to vary the premises licence for The Metropole, 262 High Street, Gateshead, NE8 1AQ is attached at Appendix 1.

The variation application seeks to extend the opening hours for the sale of alcohol from 10.00 hours to 08:00hours every day. The terminal hour for the sale of alcohol, all other activities, conditions and plan are to remain the same.

### Licence history

A premises licence has been held for this site since 4 September 2005.

The Applicant became the premises licence holder on 8 October 2014 after submitting a transfer application having immediate effect along with an application to vary licence to nominate a new designated premises supervisor.

Later that month the Applicant submitted an application to vary the premises licence. That application sought to:

- alter the structure of the premises reflecting in a new layout plan
- to alter the conditions and replace the operating schedule to be consistent with that of the company
- to extend the commencement hour for the sale of alcohol and regulated entertainment each day from 09:00 hours and to extend the terminal hour for the same Sunday to Thursday until 00:00 and Fridays and Saturdays until 01:00 and to allow for non standard timings.

Following discussions with Northumbria Police the Applicant agreed a number of conditions as well as that all licensable activities are to take place between 10:00 hours and 00:00 hours each day. It was also agreed that seasonal timing apart from the New Years Eve exemption were to be removed.

On 28 February 2017 the Applicant applied to vary the premises licence to nominate Tracy Mooney as the new designated premises supervisor.

On 15 March 2017 the Applicant applied to vary the premises licence. That application sought to:

- to extend the commencement hour for the sale of alcohol and provision of regulated entertainment from 09:00 hours,
- to extend the terminal hour on Friday and Saturday until 01:00 hours and to allow for non standard timings.

In discussion with Northumbria Police (who subsequently withdrew their objection to the application) the Applicant agreed to the following:

- Withdraw the extension to the terminal hour for the sale of alcohol and provision of regulated entertainment on Fridays and Saturdays to 01:00 hours. The terminal hour for licensable activities therefore remained as 00:00 hours (midnight)
- Withdraw the non standard timings with the exception of New Years Eve.
- Retain the conditions in annex 2 of the premises licence and only add the following conditions from the operating schedule of the variation application (with some modifications);
  - i. The designated premises supervisor or other responsible person appointed by the designated premises supervisor shall take part in local Pubwatch meetings as and when they are operating. Full engagement including explanation of what the scheme requires as well as the frequency of such meetings shall be done by the local Neighbourhood Policing Team with the designated premises supervisor or other responsible person prior to any such scheme taking place
  - ii. During the absence of DPS a designated duty manager will be on site during key trading hours.
  - iii. Regular toilet checks will be implemented and the results recorded.
  - iv. An incident book shall be kept at the premises which is utilised and maintained at all times. This book will be available to the Police or local authority on request.

The application that went before the Licensing Sub-Committee on 8 May 2017 only sought to extend the commencement hour for the sale of alcohol and provision of regulated entertainment from 09:00 hours every day including New Years Eve. The Licensing Sub-Committee decided to grant the variation in relation to the provision of the late night refreshment but refused the variation of the premises licence for the sale of alcohol for consumption both on and off the premises between 9:00 hours and 10:00 hours every day.

On 4 October 2018 the Applicant applied to vary the premises licence by submitting a new plan which included structural changes to incorporate a W.C. The same month an application was submitted to vary the designated premises supervisor.

On 4 April 2018 the Applicant applied to vary the premises licence to nominate Tracy Mooney as the new designated premises supervisor.

A copy of the Premises Licence is attached at Appendix 1.1.

### **3. REPRESENTATIONS**

The following representations were received:

- Public Health (Appendix 2)
- Councillor Angela Douglas (Appendix 2.1)
- Councillor Keith Wood (Appendix 2.2)
- Jazz Chamley, Change Grow Live (Appendix 2.3)
- Alby Graham, Recovery Connections (Appendix 2.4)
- Anonymous (Appendix 2.5)

### **4. PARTIES**

The Parties to the hearing will be:

- a) A representative from Amber Taverns Ltd who are to be represented by Jonathan Smith, Partner at Poppleston Allen Solicitors
- b) Julia Sharp, Public Health
- c) Councillor Angela Douglas
- d) Councillor Keith Wood
- e) Jazz Chamley, Change Grow Live
- f) Alby Graham, Recovery Connections

Councillor Douglas and Councillor Wood have advised that they will not be attending the hearing.

### **5. FOR CONSIDERATION**

The areas for consideration by the Sub-Committee are:

- The variation application
- The representations; and
- Whether or not the variation application should be granted.

### **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 Amended Guidance (April 2018) 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 is attached at Appendix 5.

## **7. FOR DECISION**

The Sub-Committee is asked to consider the variation application, decide whether or not it should be granted, and if relevant, attach such conditions as it deems appropriate for the promotion of the Licensing Objectives.

**APPENDICES**

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| Appendix | 1   | Application to vary the Premises Licence   |
|          | 1.1 | Premises Licence   |
| Appendix | 2   | Representation from Public Health  |
|          | 2.1 | Representation from Councillor Douglas   |
|          | 2.2 | Representation from Councillor Wood  |
|          | 2.3 | Representation from Jazz Chamley, Change Grow Live                                     |
|          | 2.4 | Representation from Alby Graham, Recovery Connections                                  |
|          | 2.5 | Anonymous representation   |
| 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  |