

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Stewart Sorrell

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Schooner
South Shore Road

Post town Gateshead

Post code (if known) NE8 3AF

Name of premises licence holder or club holding club premises certificate (if known)

Paul Smith

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Stewart Sorrell Environmental Health Gateshead Council Civic Centre Regent Street Gateshead NE8 1HH	Telephone number (if any) 0191 433391	E-mail address (optional) stewart.sorrell@gateshead.gov.uk
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This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

During the course of the Coronavirus lockdown Business Compliance have had a number of complaints concerning the Schooner public house and have had constant dialogue with the owners of the premise on how to run the premise safely under the coronavirus restrictions.

This culminated with photographs being presented to Business Compliance of an event at the premise on 25 July 2020 which showed that customers were congregated on the highway and there was no control of social distancing, both contrary to the businesses own risk assessment. I therefore served two health and safety prohibition notices requiring action to be taken in respect of these issues.

Throughout lockdown the owners have continually shown a disregard for the coronavirus and other safety legislation and have had to be reminded of the requirements and at no stage have they sought advice or clarification of their actions.

Please provide as much information as possible to support the application (please read guidance note 3)

At the start of lockdown on 23 March a new team was formed called Business Compliance to enforce the Coronavirus legislation within businesses. The comprised officers from Environmental Health and Trading Standards. It was also able to draw on the members of the Licensing team for support in licensed premises. To the end of July the team had received over 700 complaints and requests for advice and served 14 coronavirus prohibition notices on various premises.

On 25 March 2020 the council received a report from the police stating that they had received a complaint that the premise was still trading. It was identified that this was not a breach of the regulations at that time as the premise was allowed to trade off sales on its premises license. No visit was carried out.

On 27 March following further reports from members of the public, Environmental Health provided advice on running a take away delivery service during lockdown. Paul Smith responded stating that this sort of advice was invaluable to them.

On the 1 April a further report was made to the police concerning the premises continuing to trade. This was again identified as the operation of a take away service and no visit was carried out.

On 14 April a further complaint was made alleging that they were breaking the lockdown rules by being open. Again, no visit was carried out.

Officers were becoming increasingly concerned about the number of reports we were receiving about the premise being open and people congregating around the premise at a time when there should be no essential travel due to coronavirus.

Further complaints were received, including one alleging that people were encouraged to stay in the beer garden and on 21 April a visit carried out by Ashleigh Jobes and Tracey Johnson. A police officer had visited and confirmed that people were using the tables and the premises appeared to be serving alcohol in open glasses and allowing people to consume the alcohol at the premise contrary to the Regulations at that time in force. Ashleigh identified that the beer garden did not appear to be in use but could be and may have been used by customers, which at the time was against the regulations. There were also people outside of the pub drinking beer from plastic glasses.

She spoke to Gary Moore who was one of the owners of the business but not a director. He said there are 4 people involved in the Schooner, himself, Paul Smith, Suzie Isaac and Phil Boyle. He confirmed that Paul is the DPS and comes to the premises every day. He also is the DPS and has involvement in the Stone Trough pub in Low Fell and the Three Tuns on Sheriff Highway. Ashleigh explained the reason for the visit was because they are attracting complaints from the public being allowed to congregate in the vicinity which should be discouraged in this current time. Mr Moore was advised that this was his final chance to show us proactively how he can comply with the regulations and that if we got further complaints or found non-compliance then we could issue a closure notice as well as a premises licence review. He explained that currently around 85% of their work is take away deliveries. Mr Moore was advised to put some wood over the entrance to the beer garden to ensure it was clear that this is not space for anyone to sit. He is to send us a picture of it once he has done this.

Mr Moore also is the one responsible for the Facebook posts. He was advised to carefully consider what he puts on there as some recently look like he is advertising for patrons to come to the pub and drink rather than showing what they have for take outs.

When asked about serving alcohol in open containers Mr Moore stated that

the problem was, they had run out of the plastic containers they were using previously due to having a busy Sunday. The dog walkers were waiting for food and their neighbours also happened to be out and about so had stopped to talk to them. There was no apparent control of social distancing or preventing people from congregating around the premise. Mr Moore was advised that while he has something marked out for people to wait while their order is being prepared, if he gets busier then he may need to think about asking people to wait in cars if they have come in them or putting other things out to mark the 2m social distancing. He did not think it would be required, yet we have people congregating at the premise.

On 21 June following further complaints Tracey Johnson visited the premise with Beverley Cope and witnessed people using tables and chairs outside of the premise to sit and consume alcohol, contrary to the lockdown rules at the time and in violation of advice given to the owners previously by Business Compliance. The premises were also providing plastic glasses for customers to use for their beer again contrary to advice given to them by Business compliance. On this occasion a prohibition notice under the coronavirus regulations preventing the use of the beer garden was served along with a community protection warning notice.

On the 23 June another member of the public contacted us about the premise trading and selling alcohol. The report did not suggest that they were doing anything wrong, so it was not investigated.

On 14 July following complaints about the noise from live music the owners were again contacted, and advice given about holding live music events at this time. It was noted that their risk assessment did not include a section on live performances, and this was amended by the owners following advice from Ashleigh Jobes. The owners also sent photographs of their set up.

The Environmental Protection Team of the council investigated the allegations of noise from the premise.

On 27 July further complaints were received concerning live performances and included a lack of social distancing. These complaints included photographs, which show approximately 100 people gathered on the highway to watch a live band playing at the premise. The risk assessment stated that there would be management checks carried out throughout the performance to identify if people are following the rules and a member of staff would be on duty to ensure customers adhered to the social distancing guidelines. It was obvious that none of this had taken place. A check of the premises Facebook page also revealed a post encouraging customers to bring their own chairs. I felt there were two main issues, both link to the management of the premises. Firstly, people standing on an open public highway, regularly used by vehicles and secondly the issue around the lack of management of social distancing. I therefore decided to serve two prohibition notices under the Health and Safety at Work etc Act 1974. It also became evident that the business was using the area of the highway opposite the premise without the permission of the councils highways team and possibly committing an offence in doing so. This part of the highway, has not been adopted, but is owned by the council. The owners of the premise have never sought permission to use this area, but claim it has been used for years.

Throughout lockdown we have continuously received complaints about the premise, and it has received a total of 14 complaints to 30th July, that's more complaints than any other premise in the borough, including Saltwell Park, which has 13 complaints. Admittedly several of these did not appear to be indicating any wrongdoing, but when we have carried out visits, on each occasion we have identified failings to comply with the coronavirus regulations at that time in force.

We have provided advice to the business on numerous occasions, which included how to comply with the regulations and also given our contact details should they have any questions. At no time have they proactively contacted us. We also produced a business advice webpage for businesses to be able

to see the links to official advice all in one place and details on how to contact us.

The company have encourage patrons to stand on the public highway, effectively obstructing the highway and have unilaterally taken over a piece of council land, that forms part of that highway.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

18 August 2020

Capacity Assistant Manager (Environmental Health)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.