

TITLE OF REPORT: **Application for the variation of a Premises Licence**
The Half Moon Inn, Ryton Village, Ryton, NE40 3QF

REPORT OF: **Strategic Director; Economy Innovation and Growth:**
Licensing Officer

1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application from Diane Phillips to vary the premises licence for The Half Moon Inn, Ryton Village, Ryton, NE40 3QF

Representations were received from 29 members of the public, 3 of the representations are in support of the application.

2. BACKGROUND

The Application

The application submitted by Diane Phillips ('Applicant') to vary the premises licence for The Half Moon Inn, Ryton Village, Ryton, NE40 3QF is attached at Appendix 1.

The variation application seeks to:

- 1) To extend the licensable area to include the outside area as demonstrated in the plan attached with the application
- 2) To remove condition 4, Annex 3 from the premises licence. The condition is that "No live or recorded music will be relayed to the Beer Garden/outside drinking area.

The Applicant has clarified, if the application was granted, that the outside area would close at 22:00, with the last sale of alcohol from the outdoor bar at 21:30.

The following condition has been agreed with Environmental Health:

'A noise management plan shall be implemented and adhered to, to include all noise sources associated with the premises, noise reduction/mitigation, noise monitoring by competent staff, complaints procedure, staff training and review. The noise management plan shall be submitted to the Local Authority for prior consideration and agreement.'

The application was advertised at the premises and in the local press.

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 as Appendix 1.1 that relate to the application.

As a result of deregulatory changes that have amended the 2003 Act, no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live or recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

Licence history

On 15 July 2005, a premises licence was granted for The Half Moon Inn, Ryton Village, Ryton, NE40 3QF. This was following an application they had submitted to convert the existing Justices' Licence to a premises licence under the Licensing Act 2003. The conversion application was accompanied by a variation application. The application received objections from residents who objected to the later sale of alcohol and opening times. As a result, the application went to Committee and conditions were agreed and the licence granted.

On 07 December 2009 an application to transfer the premises licence to Ms Diane Phillips was submitted. No objections were received, and the application was granted.

There have been 4 applications to vary the Designated Premises Supervisor submitted since 2005. Diane Phillips became Designated Premises Supervisor following an application on 16 July 2018. No objections were received, and the application was granted.

3. REPRESENTATIONS

The following representations were received:

- Erin McClymont (Appendix 2.1)
- Lesley and Mark Errington (Appendix 2.2)
- Anonymous 1 (Appendix 2.3)
- Ann and Lyndsay Marshall (Appendix 2.4)
- Steven Colbeck (Appendix 2.5)
- Gary Napier (Appendix 2.6)
- Gavin Finlayson (Appendix 2.7)
- Anonymous 2 (Appendix 2.8)
- Kate Teal (Appendix 2.9)
- Karen Forster (Appendix 2.10)
- Daymon Britton (Appendix 2.11)
- Donna Britton (Appendix 2.12)

- Anonymous 3 (Appendix 2.13)
- Anonymous 4 (Appendix 2.14)
- Councillor Chris Buckley (Appendix 2.15)
- Cathy Roberts (Appendix 2.16)
- Mike and Angela Quigley (Appendix 2.17)
- Liz Twist MP (Appendix 2.18)
- Mr and Mrs Hardy (Appendix 2.19)
- Louise Duncan and Nigel Wild (Appendix 2.20)
- Thelma Brown (Appendix 2.21)
- Shelia Eddleston and James Fall (Appendix 2.22)
- L Middlemiss (Appendix 2.23)
- Leila Heidi Ranson (Appendix 2.24)
- Annabel Hayward and Michael Rossington (Appendix 2.25)
- Susan Carter (Appendix 2.26)
- Richard and Audrey Palmer (Appendix 2.27)
- Ben Skill (Appendix 2.28)
- David P. Crawford-Emery (Appendix 2.29)

Additional information submitted by those who have made representations:

- Photograph (Appendix 2.30)
- Photograph (Appendix 2.31)
- Photograph (Appendix 2.32)
- Photograph (Appendix 2.33)
- Photograph (Appendix 2.34)
- Photograph (Appendix 2.35)
- Photograph (Appendix 2.36)
- 8 Videos have also been submitted which show people urinating in the street, shouting and singing, and anti-social behaviour.

4. PARTIES

The Parties to the hearing will be:

- Diane Phillips (Applicant) and Steve Outen (partner) represented by Garth Bowness (Solicitor for the applicant)
- Erin McClymont
- Lesley and Mark Errington
- Anonymous 1
- Ann and Lyndsay Marshall
- Steven Colbeck
- Gary Napier
- Gavin Finlayson
- Anonymous 2
- Kate Teal
- Karen Forster
- Daymon Britton
- Donna Britton
- Anonymous 3
- Anonymous 4
- Councillor Chris Buckley
- Cathy Roberts

- Mike and Angela Quigley
- Liz Twist MP
- Mr and Mrs Hardy
- Louise Duncan and Nigel Wild
- Thelma Brown
- Shelia Eddleston and James Fall
- L Middlemiss
- Leila Heidi Ranson
- Annabel Hayward and Michael Rossington
- Susan Carter
- Richard and Audrey Palmer
- Ben Skill
- David P. Crawford-Emery

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 | Pool of Model Conditions from Gateshead Council's Licensing Policy |
| | 1.2 | Premise Licence |
| Appendix | 2.1 | Representation from Erin McClymont |
| | 2.2 | Representation from Lesley and Mark Errington |
| | 2.3 | Representation from Anonymous 1 |
| | 2.4 | Representation from Ann and Lyndsay Marshall |
| | 2.5 | Representation from Steven Colbeck |
| | 2.6 | Representation from Gary Napier |
| | 2.7 | Representation from Gavin Finlayson |
| | 2.8 | Representation from Anonymous 2 |
| | 2.9 | Representation from Kate Teal |
| | 2.10 | Representation from Karen Forster |
| | 2.11 | Representation from Daymon Britton |
| | 2.12 | Representation from Donna Britton |
| | 2.13 | Representation from Anonymous 3 |
| | 2.14 | Representation from Anonymous 4 |
| | 2.15 | Representation from Councillor Chris Buckley |
| | 2.16 | Representation from Cathy Roberts |
| | 2.17 | Representation from Mike and Angela Quigley |
| | 2.18 | Representation from Liz Twist MP |
| | 2.19 | Representation from Mr and Mrs Hardy |
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| | 2.26 | Representation from Susan Carter |
| | 2.27 | Representation from Richard and Audrey Palmer |
| | 2.28 | Representation from Ben Skill |
| | 2.29 | Representation from David P. Crawford-Emerly |
| | 2.30 | Additional information submitted by those who have made representations - Photograph |
| | 2.31 | Additional information submitted by those who have made representations - Photograph |
| | 2.32 | Additional information submitted by those who have made representations - Photograph |
| | 2.33 | Additional information submitted by those who have made representations - Photograph |
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| | 2.35 | Additional information submitted by those who have made representations - Photograph |
| | 2.36 | Additional information submitted by those who have made representations - Photograph |

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