

**TITLE OF REPORT:** Application for a Premises Licence:  
490 Durham Road, Low Fell, NE9 6HU

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

## 1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application Hayley Kell for a new premises licence for 490 Durham Road, Low Fell, NE9 6HU following receipt of a relevant representation from a member of the public.

## 2. THE APPLICATION

This report relates to an application by Hayley Kell (The Applicant) for a new premises licence. The application is attached at Appendix 1.

The application for a new premises licence under s17 of the Licensing Act 2003 is for the supply of alcohol (on the premises only) and regulated entertainment at the following times:

- Supply of alcohol (on the premises only)  
11:00-23:00 Sunday – Thursday  
11:00-00:00 Friday and Saturday
- Regulated Entertainment (Recorded Music)  
11:00-23:00 Sunday – Thursday  
11:00-00:00 Friday and Saturday
- Regulated Entertainment (Live Music)  
12:00-22:30 Monday - Sunday

However a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people.

This means that –

- (a) if the licence is granted for the supply of alcohol for the hours as requested, the only other licensable activity for determination would be the performance of recorded music between 11pm and midnight on Fridays and Saturdays
- (b) if the licence for the supply of alcohol is refused in its entirety, a licence could be granted for the performance of live and / or recorded music as set out in the application; and

- (c) if the licence for the supply of alcohol is granted for shorter hours than has been applied for, the performance of live and/or recorded music would then be licensable during any such residual period.

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

### **Conditions**

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.

### **3. REPRESENTATIONS**

The Licensing Authority received two representations from members of the public during the consultation phase of the application. One of the representations was subsequently withdrawn following mediation.

The remaining representation is attached as Appendix 2. The individual that submitted the representation has asked that the Licensing Authority redact their details for the purpose of the report.

### **4. PARTIES**

The Parties to the hearing will be:

- a) Hayley Kell (the applicant)
- b) The objector

### **5. MEDIATION**

Mediation was attempted and communication was carried out through email exchanges with the Licensing Officer acting as an intermediary.

The Applicant provided some additional information and this is attached as Appendix 2.1.

In addition the Licensing Officer drafted up a document showing what conditions would be added to a licence if it were to be granted from what the Applicant had proposed in the application and the ones she had agreed with Northumbria Police. That document is attached as Appendix 2.2.

The objector has stated that they remain concerned regarding the window and the use of the yard. The response is attached as Appendix 2.3.

### **6. FOR CONSIDERATION**

The areas for consideration by the Sub-Committee are:

- The application for a premises licence;
- The representation;

- Whether or not the application should be granted (and if granted, whether in part or whole); and
- The conditions to be attached to the premises licence (if granted).

## **7. 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 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 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

Appendix	1	New premises licence application
	1.1	Pool of Model Conditions from Gateshead Council's Licensing Policy
Appendix	2	Representation from the Objector
	2.1	Additional information from the applicant
	2.2	Conditions from application and in agreement with Northumbria Police
	2.3	Response from the Objector
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