

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 11 July 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)  
Brian Northall

Pauline Bradberry

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed chairman for this hearing.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE – THE SHUCKBURGH ARMS, SOUTHWICK

The Licensing Officer reported on an application for a variation to the premises licence for the Shuckburgh Arms, Southwick under the Licensing Act 2003.

The application requested a licence for the provision of regulated entertainment and entertainment facilities.

All the statutory bodies had been consulted. Seven representations had been received from local residents and one from Environmental Protection.

Since the production of report two additional documents had been circulated: a report from environmental protection and a letter from the applicant dated 7 July setting out revised proposals as a result of a meeting with local residents on 6 July. The applicant asked the panel to consider the proposals set out in his letter rather than those set out in the Licensing Officer's report.

### **(a) Evidence from the applicant**

David Dixon, the applicant, spoke in support of the application. He directed the panel and objectors' attention to his letter of 7 July setting out revised proposals as a result of a meeting with local residents. He asked the panel to note that he had arranged a meeting with local residents to discuss their concerns with his original application and negotiated a compromise. There had been no incidents of public nuisance since the applicant had been the licence holder.

### **(b) Evidence from the objectors**

Mr Andrew Eden, a local resident, commented that the proposed changes were almost identical to the application submitted by David Dixon a year ago. He stated that the original objectors concerns

AE – ext hrs for alc and op hrs almost identical to app year ago. lic for amp outdoor music for bank hols disappointing. Orig objectors concerns re impact on local residents – small village with dwellings close to pub – still stand. Late night refreshments/later hours refused last time because of potential of disturbance to local residents – still applies. Present license provides structure to day to day running. Hope could last longer than 14 months

DD – objector focussing on potential - variation based on experience

SE – concern should pub change hands and license carry forward and licensing hrs need to reflect location in residential area. Compared to Woodnewton and other village pubs amongst residential properties the sale of alcohol limited to before 11.30 on any night.

CW – pleased to received 7 July letter. Item 4 – can't play 365 days. Comforted last paragraph on first page and hope trust can be kept.

DR – disappointed consultation on 6 July didn't take place before application put in. concerns – no disturbances reported but outside amplified music hasn't been played so unknown. Agreement felt reasonable. Want pub to be successful, important for village.

MD – prevention of public nuisance, usually noise. Negotiated with licensee. Concerned that DD didn't know certain conditions were on his license eg playing of outdoor music. No complaints since licence granted April 2010. agreed hrs for playing music with EP and local residents. Concern – rear of the premises and patio area. Asked panel to consider restricting consumption of alcohol as well as hours.

MD explained what objectors could do if had issue with noise – relates to premises not road or public footpath; noise from premises can make complaint – needs to be repeated and prolonged, first step speak to landlord, second contact EP, will be asked to maintain log of incidents.

DD – would be difficult to manage restrictions on consumption of alcohol outside with smoking area

Staff – 2 or 3 at any one time

Extended hours – to benefit existing customers

Chairman commented pleased with how license holder and local community working together.

Noted cannot reduce hours on variation request

Individuals living in close proximity can request a review if significant problem in fullness of time

Offered to allow panel to consider reduction of hours of sale of alcohol outside if felt necessary, though panel cannot make decision to reduce hours.

After considering the submitted report and the representations made at the hearing from the speakers, including advice from the solicitor, the panel retired to consider the application and evidence presented, and it was

#### **RESOLVED:**

That the application for a variation to the premises licence for the Shuckburgh Arms,

Southwick be granted subject to mandatory conditions and additional conditions being imposed on the licence (see below).

The chairman read out the following statement giving the reasons why the panel had granted the licence with additional conditions:

“The licensing panel has considered this application for a variation of premises licence for The Shuckburgh Arms, Main Street, Southwick and has taken into account the Licensing Officers report, representations objecting to the application and other relevant items of evidence presented.

After careful deliberation and consideration of the four licensing objectives, ENC’s statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003, the panel has reached the following decisions.

To grant the following variations to the premises licence.

### **Supply of alcohol**

Monday to Thursday inclusive 10:00 until 23:30 hours.

Friday 10:00 until 00:30 hours.

Saturday 10:00 hours until 01:00.

Sunday 10:00 until 23:00 hours.

### **Supply of alcohol outdoors**

All days of the week 10:00 hours until 23:00 hours.

(The applicant volunteered this reduction of licensed hours in his letter to the Licensing Enforcement Officer dated 07 July 2011).

### **Late night refreshment**

Monday to Thursday until 23:30 hours.

Friday until 00:30 hours.

Saturday until 01:00.

(The same end timings as the supply of alcohol)

### **Hours open to the public**

Monday to Thursday inclusive 10:00 until 23:30 hours.

Friday 10:00 until 00:30 hours.

Saturday 10:00 hours until 01:00.

Sunday 10:00 until 23:00 hours.

(The same end timings as the supply of alcohol)

### **Licensable Activities**

All other timings for licensable activities remain as shown on the premises license issued on 22 April 2010.

Mandatory conditions remain extant.

The panel imposes the following additional conditions.

### **Condition 1**

Licensable activities, in so far as they take place outside at the rear of the licensed premises, shall only take place on bank holidays, (Friday to Mondays of those bank holidays) Christmas Eve and New Years Eve and on no more than 2 additional days in any calendar month.

**Reason – prevention of public nuisance**

**Condition 2**

The licence holder is to ensure that whenever live entertainment, live music, recorded music or anything similar is taking place all doors, windows and skylights are to remain closed to mitigate the noise nuisance effect.

**Reason – prevention of public nuisance**

**Condition 3**

No sound shall be allowed to emit from the premises so as to cause nuisance to occupants at nearby premises.

**Reason – prevention of public nuisance**

**Advisory**

The panel was pleased with the applicant's willingness to engage in discussions with local residents and listen to their concerns, and trust that relationship continues. Equally, the panel felt the issues raised by local residents were in the main reasonable and in that respect, the panel felt the applicant had gone some way to address their concerns.

In reaching its decision on hours for licensable activities the panel took into account paragraph 2.13 of East Northamptonshire Council's Statement of Licensing Policy, which directs the licensing authority to *"have regard to wider considerations affecting the residential population and the amenity of any area."*

The panel is conscious that the premises is situated in a small residential village and has taken that into account in its decision making. Consequently the panel felt it would be unreasonable and inappropriate to agree the full requested extended hours.

The chairman announced the decision notice would be sent out in writing within 21 days. The chairman then explained that if any of the interested parties is aggrieved with the panel's decision, they have the right to appeal to the Magistrates Court."

**Chairman**

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 31 August 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)  
Gill Mercer

Tony Boto

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed chairman for this hearing.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE – THE ANGEL PUBLIC HOUSE, 4 ST OSYTHS LANE, OUNDLE

The Licensing Officer reported on an application for a variation to the premises licence for the Angel Public House, St Osyth's Lane, Oundle under the Licensing Act 2003.

The application requested variations to permitted hours for late night refreshment, the supply of alcohol and showing of films. It also requested extended opening hours for New Years Eve and a variation to a condition requiring doors and windows to be kept closed after 2100 hours.

All the statutory bodies had been consulted. Three representations had been received from local residents.

### **(a) Evidence from the applicant**

Ms Clare Johnson, the applicant's solicitor, spoke in support of the application. Since the representations from objectors had been received, the premises now kept the front door closed after 10pm and had put up a notice directing people to the back entrance to prevent people smoking at the front of the property. The speakers been moved to the rear of the premises and were now directed away from front single-glazed windows. The Designated Premises Supervisor (DPS) was doing sound checks and noise levels had improved since the changes had been made.

### **(b) Evidence from the objectors**

Mr Alistair Sherwin, a local resident, outlined his concerns about noise and explained that he had made informal complaints to the council and had discussions with the Licensing Officer.

He asked that the closure of windows/doors during the playing of music be extended to the playing of films.

The chairman commended the action taken by the applicant and the neighbourly discussions between the DPS and the objector. The panel asked some questions for clarification.

After considering the submitted report and the representations made at the hearing from the speakers, including advice from the solicitor, the panel retired to consider the application and evidence presented, and it was

**RESOLVED:**

That the application for a variation to the premises licence for the Angel Public House, 4 St Osyths Lane, Oundle be granted subject to mandatory conditions and additional conditions being imposed on the licence (see below).

The chairman read out the following statement giving the reasons why the panel had granted the licence with additional conditions:

“The Licensing Panel has considered this application for a variation of premises licence for The Angel Public House, 4 St Osyths Lane, Oundle and has taken into account the Licensing Officer’s report, representations objecting to the application, and other relevant items of evidence presented.

After careful deliberation and consideration of the four licensing objectives, East Northamptonshire Council’s Statement of Licensing Policy and guidance issued under section 182 of the Licensing Act 2003, the panel has reached the following decisions.

To grant the following variations to the premises licence.

**Supply of alcohol**

Sunday – Thursday 0800 hours to 0030 hours  
Friday and Saturday 0800 hours to 0130 hours

**Showing of Films**

Sunday – Thursday 0800 hours to 0030 hours  
Friday and Saturday 0800 hours to 0130 hours

**Late night refreshment**

All week from 2300 hours until 0130 hours

**Non standard timings (for the above)**

From end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Friday, Saturday, Sunday and Monday of Bank Holiday weekends, Christmas Eve, Boxing Day until 0130 hours the following day.

**Hours open to the public – non standard timings only**

From the end of permitted hours New Years Eve to the start of permitted hours on New Years Day. Friday, Saturday, Sunday and Monday of Bank Holiday weekends until 0200 hours the following day.

## **Licensable Hours granted for the duration of the Rugby World Cup**

For the duration of the Rugby World Cup 2011 only, the Panel grants the following additional timings

For the supply of alcohol and showing of films - from 0700 hours to 0800 hours daily.

All mandatory conditions remain.

The conditions consistent with the operating schedule shown at annexe 2 of the officer's report are to remain with the exception that the following condition is to be removed:

***Live music will end at 2330 hours***

***Recorded music will end at 2330 normal days***

***Recorded music will end at 2330. All windows will be kept closed after 2100 hours***

That is to be replaced by the following condition:

All live and recorded music is to end at 2330 hours.

All windows and doors (save for ingress and egress) are to be kept closed after 2100 hours whenever live, recorded music or films are being played or performed.

### **Reason – prevention of public nuisance**

Mr A Sherwin of Bramston House had applied to speak as an objector later than is normally accepted. The applicant and members of the panel were asked if they had any objection to him being permitted to speak. In the interest of natural justice applicant and panel members agreed to hear him.

In reaching the above decision the panel had regard to the representations which covered the licensing objectives relating to public nuisance and harm of children. Additionally, the panel took account of the proximity of the premises to the accommodation for Oundle School school-children and a resident of Bramston House.

The panel feels the above agreed variations are a reasonable compromise.

### **Advisory**

The panel was pleased to see the applicant has already responded to some local concerns brought to his attention.

Both the re-designation of the smoking area and repositioning of the loud speakers have gone some way to address earlier issues.

The chairman announced the decision notice will be sent out in writing. If aggrieved with the panel's decision, the applicant and any party that has made representation has the right to appeal to the Magistrates Court within 21 days of the decision notification letter."

**Chairman**