

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 5 January 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

**Glenn Harwood (Chairman) MBE Pauline Bradberry JP
Glenvil Greenwood-Smith**

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 FOR STANWICK VILLAGE HALL, SPENCER PARADE, STANWICK, NN9 6QJ

The Licensing Officer reported on an application for a variation to the premises licence for Stanwick Village Hall, Spencer Parade, Stanwick under the Licensing Act 2003.

The application requested the addition of Supply of Alcohol to the current licence and the disapplication of the requirement to have a Designated Premises Supervisor (DPS).

All the statutory bodies had been consulted. One representation had been received from a local resident.

Since production of the report, an additional document had been circulated; a redraft of Section P of the Operating Schedule which went into further detail regarding the steps the applicant would take to ensure promotion of the four licensing objectives.

(a) Evidence from the applicant

Rebecca Moody, Stanwick Village Hall's Facilities Manager, and a trustee; David Hill attended the hearing and spoke in support of the application. It was noted that the village hall had been newly built in May 2011 and a body of trustees had been formed. The trust were aware and sensitive to the needs of the local community, and previous noise issues that had occurred in the hall's formative months had now been addressed via the installation of sound absorbers and air conditioning. The purpose of the variation application was to service carefully tailored and monitored events organised for the local area by trustees. These would be organised events and not open to the public. Any external events would be licensed by a Temporary Events Notice.

(b) Evidence from the objectors

Mr Campbell, a local resident, who had made representations on the application spoke to confirm that he was supportive of the application provided the responsibilities of an alcohol licence were adhered to if the licence were to be granted. He stated his objection was based on a generic view following issues with nearby licensed premises. He stressed the responsibility of the board of trustees to ensure external events are managed appropriately.

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 of the Licence to Supply Alcohol for Stanwick Village Hall, Spencer Parade, Stanwick 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 variation of the Premises Licence with additional conditions: -

"The Licensing Panel had considered the application for a variation of the Premises Licence for the Stanwick Village Hall and had taken into account the Licensing Officers report, representations objecting to the application and other relevant items of evidence presented.

The variation requested a Licence to Supply Alcohol and also requested the removal of the mandatory condition requiring a Designated Premises Supervisor (DPS) for Stanwick Village Hall, Spencer Parade, Stanwick.

After careful deliberation and consideration of the four Licensing Objectives, ENC's Statement of Licensing Policy, Guidance issued under Section 182 of the Licensing Act 2003, and hearing evidence from both applicant and objector, the Panel reached the following decision.

To grant the Variation of the licence for the following licensable activities.

Supply of Alcohol

Monday to Thursday - 0900 hours to 2300 hours
Friday to Sunday - 0900 hours to 0000 hours

Non standard timings

New Years Eve - 0900 to 0100 hours

Condition to be varied

In accordance with The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 (SI 2009/1724) the following mandatory condition was removed:-

No supply of alcohol may be made under the premises licence at times when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

That mandatory condition was replaced by the following:-

Every supply of alcohol under the premises licences must be made or authorised by the management committee and trustees.

The Panel imposed the following Additional Condition:-

The Supply of Alcohol Licence is issued specifically for those Charity and Trust events as described in the application form. It does not cover non-Charity and non-Trustee events, such as private parties and weddings.

The Panel took into account the concerns raised by the objector although the concerns raised against each of the four licensing objective areas could not be attributed to the Stanwick Village Hall. Consequently, those concerns were given no weight in the decision making.

The Panel thanked the applicant and objector for their reasonable approach at the Hearing. The Panel was encouraged to see the applicant had in the past responded swiftly and decisively to alleviate any nuisance to neighbours brought to their attention.

The Panel strongly advised the applicant to ensure that each of those that form the "management committee (Trustees)" be fully aware of their responsibilities in accordance with the rules and regulations applicable to the Disapplication of Certain Mandatory Conditions for Community Premises.

The Decision Notice would be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that had made representation had the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter."

4. APPLICATION FOR A NEW PREMISES LICENCE FOR THE SHELL SERVICE STATION, JUNCTION 13, A14, THRAPSTON

The Licensing Officer reported on an application for a new premises licence for the Shell Service Station at Junction 13 of the A14 in Thrapston, under the Licensing Act 2003. The application requested the following be allowed:

Supply of Alcohol (for consumption off the premises)
Monday to Sunday from 00.00 hours to 24.00 hours

Late Night Refreshment
Monday to Sunday from 2300 hours to 0500 hours

All the statutory bodies had been consulted. One representation had been received from Thrapston Town Council.

(a) Evidence from the applicant

Stephanie Butcher, the applicant's solicitor attended the hearing and spoke in support of the application. She stated that prior to the hearing, the applicant had unofficially approached Thrapston Town Council to propose a reduction in licensable hours, however this offer had been rejected. It was noted that the client remained happy for the panel to consider these revised opening hours. It was further noted that the premises had been well run for over 10 years and that extensive staff training relating to the sale of alcohol was in place. A refusal book, incident log and CCTV were also available, full details of which had been provided by Shell's due diligence package.

(b) Evidence from the objectors

The representation from Thrapston Town Council was noted but it did not appear at the hearing.

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

RESOLVED:

That the application for a Premises Licence for Shell Service Station Thrapston (Junction 13 A14), 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 Premises Licence with additional conditions: -

“The Licensing Panel has considered the application from Shell Service Station Thrapston (Junction 13 A14) and had taken into account the Licensing Officers report, a representation 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 had reached the following decision.

To grant the application for the following licensable activities.

Supply of Alcohol

Monday to Sunday 0600 hours to 2300 hours.

Late Night Refreshment

Monday to Sunday 2300 hours to 0500 hours

All Mandatory Conditions remain extant.

The Panel imposed the following additional condition

1. Any authorised officer of a responsible authority can, upon request, view and receive copies of the CCTV images as referred to in the operating schedule submitted by the Applicant.

The Panel felt the operating schedule comprehensively covered most areas that might have been of concern. However, the Panel felt the regular use of the word “reasonable”, and used throughout the operating schedule, was unnecessary as it did not make clear who would decide what was a “reasonable” request. The applicant offered to remove the word “reasonable” wherever it appeared in the operating schedule.

The Panel appreciated the Applicants offer to amend the hours requested for the Supply of Alcohol Licence. The hours granted of 0600 – 2300 reflected that offer.

The Panel considered the objection from Thrapston Town Council, but felt the issues they raised were speculative, not substantiated and lacked evidence. Consequently, that objection carried no weight in the Panels’ decision making.

The Decision Notice would be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that had made representation had the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter."

Chairman

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 18 January 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell
Barbara Jenney

Brian Northall

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed chairman for this hearing.

2. DECLARATIONS OF INTEREST

Councillor Richard Gell declared a personal interest in the application as he knew one of the objectors, but he did not consider this would prejudice his ability to make a fair decision.

3. APPLICATION FOR A PREMISES LICENCE – BOOZE 4 LESS, 48 BROOK STREET, RAUNDS

The Licensing Officer reported on an application for a new premises licence for Booze 4 Less, 48 Brook Street, Raunds under the Licensing Act 2003.

The application requested the following hours:-

Supply of Alcohol (Off sales only)

Monday to Thursday 0800 hours to 2330 hours.

Friday and Saturday 0800 hours to 2400 hours

Sunday 0800 hours to 2300 hours

Hours Premises open to Public

Monday to Sunday 0800 hours to 2400 hours

Non Standard Timings

Sale of alcohol and open to Public

Christmas Eve and Day 0800 hours to 0200 hours

New Years Eve and Day 0800 hours to 0200 hours

All the statutory bodies had been consulted. Three representations had been received from local residents (with a petition signed by some 70 people) and Raunds Town Council. The council's solicitor referred to a further letter of objection from a resident of Brook Street. As this had been received outside the statutory period for objections, the parties were asked to agree to the letter being considered by the Panel. Their agreement was given.

(a) Evidence from the applicant

Mr Sandeep Singh, one of the applicants, spoke in support of the application. He operated licensed premises in High Street South, Rushden and had been granted a licence in September 2010. He had learned a lot since that time and was now much more familiar with the licensed trade. He recognised the concerns of objectors and indicated he would be prepared to change the times of the opening hours for the licence now applied for.

Mr Keith Huewen, landlord of the premises, attended and the Panel agreed, with the consent of the objectors, to allow him to speak in support of the application. He indicated that:-

- There were tenants in the flat above the proposed off licence and it would be in their interests for the business not to attract youths, drunkenness and anti-social behaviour
- There had been considerable improvements in the town over the last 4 years, brought about by the level of policing and the operation of CCTV cameras
- The Co-op and SPAR stores in the town also sold alcohol and had opened at the same time as a previous off-licence in Brook Street (see below)

(b) Questions for the applicant

Members of the Panel asked the applicant several questions regarding (a) a change in the opening hours, (b) his knowledge of Raunds and its "culture" (c) the other goods sold in his shop at Rushden, apart from liquor (d) ways of meeting the local objections, with emphasis on CCTV and the use of shutters in the Raunds premises, staffing and his own attendance at the premises. The applicant responded to these questions.

There were no questions from the objectors.

(c) Evidence from the objectors

Mr Alan Copperwheat of 61 Brook Street, outlined his concerns as follows:-

- A previous off licence (which closed 4 years ago) had attracted anti-social behaviour and had given rise to noise, litter, broken bottles
- Gardens had been used as public toilets
- Under age drinking had occurred
- Youths had congregated on the steps next to Saxon Hall and had consumed alcohol in the grounds of the Hall
- Drunken youths had prompted police action and on one occasion, a garden fork had been thrown through his window
- The previous off licence had shut at 10pm but the current application envisaged a later closure time
- The Raunds premises would offer cheap alcohol and he feared a repeat of previous problems – which would be detrimental to the many residents in the area

Mr Colin Wills referred to his written representations and felt particularly that the initial proposals before the licence application was submitted had envisaged more of a grocery store with the sale of some alcohol but there now appeared a greater emphasis on cheap alcohol sales. He was also concerned about late opening over the Christmas and New Year periods. The Licensing Enforcement Officer explained that the title of the off licence had not been decided upon until later.

After 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 premises licence for Booze 4 Less at 48 Brook Street, Raunds 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 new Premises Licence for Booze 4 Less, 48 Brook Street Raunds and has taken into account the Licensing Officers report and relevant representations.

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 a decision.

The Panel grants the Premises Licence for the supply of alcohol for the following hours.

Supply of Alcohol (Off sales only)

Monday to Thursday 0800 hours to 2330 hours.

Friday and Saturday 0800 hours to 2400 hours

Sunday 1000 hours to 2300 hours

Hours Premises open to Public

Monday to Sunday 0800 hours to 2400 hours

Non Standard Timings

Sale of alcohol and open to Public

Christmas Eve and Christmas Day 0800 hours to 2400 hours

New Years Eve and New Years Day 0800 hours to 2400 hours

Reason: Prevention of Crime and Disorder and Prevention of Public Nuisance.

The Panel took note of how the applicant described the steps he intends to take to promote the four licensing objectives as stated under Item P on the application form, and the Panel welcomes the implementation of the said objectives as stated by the applicant.

The Panel is very aware of the concerns raised by objectors to this application; however, many of the reasons forwarded for objecting are not material when a Licensing Authority is determining an application.

The Licence issued is subject to mandatory conditions.

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