



Licensing (Liquor and Gambling) Panel

Application for Premises Licence for The Woodpecker, Marshalls Road, Raunds

Purpose of report

Application for Premises Licence for the Woodpecker Marshalls Road Raunds NN9 6ET

Attachment(s)

Appendix 1 - Application Form

Appendix 2 - Map of Area

Appendix 3 - Representations

Appendix 4 - Agreed conditions with Police and Environmental Protection

1.0 Summary

1.1 An application for a new premises licence for the Woodpecker Public House, Marshalls Road, Raunds, NN9 6ET. The appropriate Blue notice was displayed on the premises during the required consultation period.

2.0 Application details

Those matters for which a licence is sought are listed below with the relevant timings:-

Plays

Monday to Sunday 0900 hours to 2300 hours

Films

Monday to Sunday 0900 hours to 2300 hours

Indoor Sporting Events

Monday to Saturday 1000 hours to 2330 hours

Sunday 1100 hours to 2230 hours

Non Standard Times

Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday Sunday Monday and any other Bank holidays 1100 hours to 0200 hours the following day.

Live Music

Monday to Wednesday 1100 hours to 2330 hours

Thursday 1100 hours to 2359 hours

Friday and Saturday 1100 hours to 0100 hours

Sunday 1100 hours to 2300 hours

Seasonal variations

Raunds Music Festival (Springtime) Thursday to Sunday 1100 hours to 0100 hours the following day.

Non Standards Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays 1100 hours to 0100 hours the following day.

New Years Eve 1100 hours to 0230 hours the following day.

Recorded Music

Monday to Wednesday 0900 hours to 2330 hours

Thursday 0900 hours to 2359 hours

Friday and Saturday 0900 hours to 0100 hours

Sunday 0900 hours to 2300 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays 1100 hours to 0100 hours the following day.

New Years Eve 1100 hours to 0230 hours the following day.

Performances of Dance

Monday to Sunday 0900 hours to 2300 hours

Provision of Facilities for Dancing

Monday to Thursday 0900 hours to 2330 hours

Friday to Saturday 0900 hours to 0200 hours

Sunday 0900 hours to 2300 hours

Non Standard Timings

Christmas Eve, Christmas Day Boxing Day Good Friday Easter Saturday Sunday Monday and all other Bank Holidays 0900 hours to 0200 hours the following day

New Years Eve 0900 hours to 0300 hours the following day.

Late Night Refreshment

Monday to Wednesday 2300 hours to 2359 hours

Thursday 2300 hours to 0030 hours

Friday and Saturday 2300 hours to 0130 hours

Non Standard Timings

Christmas Eve, Boxing Day, Good Friday, Easter Saturday Sunday and Monday any other Bank Holiday, New Years Eve 2300 hours to 0200 hours the following day.

Supply of Alcohol (Both On and Off)

Monday to Wednesday 1000 hours to 2330 hours

Thursday 1000 hours to 2359 hours

Friday and Saturday 1000 hours to 0130 hours

Sunday 1100 hours to 2230 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day New Years Day, Good Friday, Easter Saturday Sunday and Monday and all other Bank Holidays 1000 hours to 0200 hours the following day.

New Years Eve 1000 hours to 0300 hours the following day.

3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No Representation
Fire	No Representation
Trading Standards	No Representation
Revenue and Customs	No Representation
Town Council	No Representation (Correspondence included)
Environmental Protection	No Representation agreed conditions see app. 4
Environmental Health	No Representation
Planning	No Representation
Public	6 Representations
Police	No Representation agreed conditions see app. 4

3.1 There were 6 representations from the public, these have been analysed and a summary is shown under the relevant licensing objective. See Appendix 3 for representations.

3.2 Prevention of Public Nuisance

The representations from the residents refer to noise from customers of the premises and loud music emanating from the premises. The representations also refer to anti

social behaviour by persons leaving the premises at late hours, shouting and swearing and throwing litter into gardens.

3.3 Prevention of Crime and Disorder

The representations received from residents refer to concerns about crime and disorder reoccurring as they had historical problems with a previous premises located here.

3.4 Correspondence was received from Raunds Town Council and is included at appendix 4. However, this is not considered to be a valid representation and as such should not be included in any decision making process.

3.5 Environmental Protection and Police agreed conditions with the applicant and these are shown at Appendix 4.

4.0 Determination

4.1 The Panel must carry out its functions to promote the licensing objectives having regard to:

- Licensing Policy
- S182 Guidance

4.2 The Act states that following a hearing the Panel may take the following actions if they deem them necessary to promote the licensing objectives:

- Grant subject to operating schedule and mandatory conditions only
- Grant subject to further conditions necessary for the promotion of the licensing objectives
- Exclude a licensable activity
- Refuse the application

5.0 Policy Considerations

This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

- 2.13 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.14 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are necessary, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).
- 5.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.

- 5.2 However, when issuing a licence with hours beyond 2300 hours, higher standards may be expected to be included in Operating Schedules to address the licensing objectives especially in premises which are situated near to residential properties.
- 9.1 Licence Conditions - this Authority will therefore avoid the general application of standardised conditions to licences and certificates.

6.0 Section 182 Guidance Considerations

This section highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications:-

6.1 Committee Consideration

- Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case (para 1.15).
- As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation (para 9.24).

6.2 Control of Licensee

- Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control (para 1.26).

6.3 Conditions

- Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (para 10.4).
- The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources (para 10.13).

Opening Hours

- In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19).
- However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested (para 10.20).

7.0 Equality and Diversity Implications

7.1 There are no equality and diversity implications

8.0 Financial Implications

8.1 There are no financial implications at this stage.

9.0 Staff

9.1 There are no staffing implications

10.0 Risk Management

10.1 There are no material risks

11.0 Corporate Outcomes

- 11.1 The following corporate outcomes would be delivered
- Good quality of life
 - Effective partnership working
 - Good reputation
 - Strong community leadership
 - Knowledge of our customers and communities

12.0 Invitation to determine

The panel is asked to consider the information detailed above and determine whether to grant the licence.

Legal	Power: Licensing Act 2003 Other considerations: Section 182 Guidance, October 2010; Statement of Licensing Policy
Background Papers:	None
Person Originating Report:	Thomas Morrissey Licensing Enforcement Officer tmorrissey@east-northamptonshire.gov.uk 01832 742241
Date:	24 January 2010

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