

# LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 21 December 2010

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

**Richard Gell  
Glenn Harwood (Chairman)**

**Brian Northall**

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

## 2. MINUTES

The minutes of the Licensing (Liquor and Gambling) Panels held on 25 August and 8 October 2010 were approved and signed by the Chairman.

## 3. DECLARATION OF INTEREST

No interests were declared.

## 4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE RED LION, WELLINGTON ROAD, RAUNDS

The Licensing Officer reported on an application for the variation of a Premises Licence for The Red Lion, Wellington Road, Raunds, under the Licensing Act 2003. The application requested variations to opening hours for the following (current times are in brackets):

### **Live Music**

Monday to Wednesday – 10:30 to 23:00 hours (10:30 to 23:00)

Thursday and Friday – 18:00 to 01:00 hours (10:30 to 23:00)

Saturday – 12:00 to 01:00 hours (10:30 to 23:00)

Sunday – 12:00 to 21:00 hours (12:00 to 22:30)

### **Recorded Music/Dancing**

Monday to Thursday – 11:00 to 00:00 hours (10:30 to 23:00)

Friday and Saturday - 11:00 to 02:00 hours (10:30 to 23:00)

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Anything similar to live music/recorded music/dance**

Friday and Saturday – 18:00 to 02:00 hours

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Late Night Refreshment**

Monday to Thursday – 23:00 to 00:00 hours

Friday and Saturday – 23:00 to 02:00 hours

Sunday – 23:00 to 23:30 hours

### **Supply of Alcohol**

Monday to Thursday – 11:00 to 00:00 hours (10:30 to 23:00)

Friday and Saturday – 11:00 to 02:00 hours (10:30 to 23:00)

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Hours Open to the Public**

Monday to Thursday – 11:00 to 00:30 hours (10:30 to 23:00)

Friday and Saturday – 11:00 to 02:30 hours (10:30 to 23:00)

Sunday – 12:00 to 00:00 hours (12:00 to 22:30)

All the statutory bodies had been consulted and representations had been received from seven local residents. A representation from Raunds Town Council which did not meet the criteria of a valid representation was submitted for information. Further representations from Raunds Town Council, on behalf of eleven members of the public, were submitted for information. No other representations were received. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 6 below).

The Panel noted that the Environmental Protection Officer had agreed some conditions with the applicant which were submitted for information.

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

Mr Colin Smith, the applicant, spoke in support of the application. He was concerned by the number of objections raised by neighbours and had previously invited them to contact him directly should any specific issues arise. The applicant had received no complaints from the Licensing Unit or the Police for eighteen months and no objections to the variation in hours had been submitted by the Police. The applicant mentioned that he also owned another public house in Raunds, The George and Dragon, which had a late licence, and understood that the Red Lion was in a residential area, but that he wished for the premises hours to be brought in line with other public houses in the town. With regard to past complaints about noise, changes had been introduced including: the installation of air conditioning; doors and windows were kept closed; all windows were being double-glazed; all vents had been soundproofed; outside speakers had been removed; staff had been instructed to monitor the noise from the outside smoking area; and the applicant was prepared to increase the soundproofing of the smoking shelter. The playing of live music was usually confined to Saturday nights and, on the occasions that the applicant was not on the premises for the evening, he visited both of his public houses to ensure the noise was not excessive. The applicant was amenable to the restriction of live music to Saturdays and only until 00:30 hours. The jukebox could not be heard from outside the premises when the windows were closed. In reference to comments by objectors that broken bottles and beer cans littered the area outside the public house, the applicant stated that he did not believe that the bottles came from his premises and that the Red Lion had never sold cans of beer.

The objectors asked the applicant why he had applied for a licence to allow live music on seven nights a week if he only intended to have live music played on Saturday nights and why he had not contacted residents other than those in the immediate vicinity. The applicant reiterated that he was prepared to compromise by only having live music on Saturday nights until 00:30 hours and that, as residents in the immediate vicinity had not raised any issues when he had spoken to them, he had felt no need to contact residents further away.

The Panel asked the applicant to respond to a number of detailed questions about his submission including: which neighbouring residents had been consulted by the applicant, the objections raised relating to public nuisance and noise; the applicants intentions to alleviate the noise issues relating to the smoking shelter; how the applicant intended to ease neighbours' concerns; and what could be done about the objections relating to litter. The applicant clarified that he had spoken to the residents of 96 London Road and 27, 29 and 54 Wellington Road and that the only issues raised in those discussions had related to noise from the smoking shelter. He explained that noise issues caused by outside speakers had been alleviated by the removal of the speakers eighteen months ago and no further issues had been raised since, but that the public house was on the outskirts of Raunds and inevitably noise would be created by those walking home from the town centre at night. The smoking shelter and noise emanating from it were being regularly monitored by staff and the applicant would consult with Planning Services regarding possible ways to enclose it further. The applicant hoped that the introduction of double-glazed windows and air conditioning would reduce the noise during the summer period and allay residents' fears. He also did not believe that the litter outside the premises was dropped by those leaving the public house.

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

The following local residents spoke objecting to the application:

Mrs B Groom – Mrs Groom raised concerns that the Red Lion was turning into a nightclub and a closing time of 02.30 hours was too late for such a residential area. Loud noise and swearing could be heard from the smoking shelter and patio by neighbours, particularly in the summer.

Mr D Truss – Mr Truss stated that noise from people drinking on the patio area disturbed neighbours in the summer and that, although he was aware the licensee was not responsible for the action of people once they had left the premises, the longer opening hours would allow people to become too inebriated and likely to make noise.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

### **RESOLVED:**

That the application for the variation of the Premises Licence for The Red Lion, Wellington Road, 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 variation of the Premises Licence with additional conditions:

“The Licensing Panel has considered the application for the variation of the Premises Licence for The Red Lion, Wellington Road, Raunds and has taken into account the Licensing Officers report, representations both in support and 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.

The application to vary the Licence included requests to extend the current hours of licensable activities, however, the Panel did not agree with the timings applied for and grants

the following licensing hours:

### **Licensable Activities**

#### **Live Music**

Monday to Thursday - 10:30 to 23:00 hours

Friday - 18:00 to 23:59 hours

Saturday - 12:00 to 23:59 hours

Sunday - 12:00 to 21:00 hours

Christmas Eve - 18:00 to 01:00 hours

Boxing Day - 18:00 to 01:00 hours

New Years Eve - 18:00 to 02:00 hours

#### **Recorded Music/Dancing**

Monday to Thursday - 11:00 to 23:00 hours

Friday to Saturday - 11:00 to 23:59 hours

Sunday - 12:00 to 23:00 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

#### **Anything similar to live music/recorded music/dance**

Friday to Saturday - 18:00 to 23:59 hours

Sunday – 12:00 to 23:00 hours

Christmas Eve - 18:00 to 01:00 hours

Boxing Day - 18:00 to 01:00 hours

New Years Eve - 18:00 to 02:00 hours

#### **Late Night Refreshment**

Monday to Thursday - 23:00 to 23:59 hours

Friday to Saturday - 23:00 to 23:59 hours

Sunday - 23:00 to 23:59 hours

#### **Supply of Alcohol**

Monday to Thursday - 11:00 to 23:59 hours

Friday to Saturday - 11:00 to 00:30 hours

Sunday - 12:00 to 23:30 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

#### **Hours Open to the Public**

Monday to Thursday - 11:00 to 23:59 hours

Friday to Saturday - 11:00 to 00:30 hours

Sunday - 12:00 to 23:30 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

In accordance with paragraph 2.13 of East Northamptonshire Council's Statement of Licensing Policy, the Licensing Authority is instructed to *"have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling and noise."*

The Panel noted the premises is located in a predominately residential area and as a

consequence of that felt it would be unreasonable and inappropriate to agree the requested extended hours.

The weight of evidence provided in the representations from objectors convinced the Panel there is already a noise and littering issue in the immediate vicinity of the subject premises. The Panel's view is that extending the licensing hours as had been requested would only exacerbate those problems.

The Panel does however recognise that some of the current permitted hours are earlier than in many other similar establishments. With that in mind, the Panel has decided to extend a number of the licensable activities as shown above.

The Panel imposes the following additional conditions:-

### **Additional Conditions**

1. No live or recorded music shall be played, relayed or amplified outside of the premises at any time.
2. The Licence Holder shall ensure that whenever any form of live entertainment, live music, recorded music or anything similar is taking place, all doors and windows are to remain closed to mitigate the noise nuisance effect.
3. The Licence Holder shall provide signage at all exits of the premises to remind Patrons to leave in an orderly manner and have respect for nearby residents.
4. The Licence Holder shall take the appropriate and necessary action to ensure noise levels from patrons using the smoking area and patio shall not exceed levels acceptable to the Environmental Protection Officers.

Notice of the Decision would be sent in writing to all parties within 21 days, who would also have the Right of Appeal within 21 days from the date of the Decision Notice. The decision would become effective 21 days after the Notice had been issued or on the date when any appeal is finally determined."

**Chairman**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE RED LION,  
WELLINGTON ROAD, RAUNDS**

The representations received had been analysed by the Licensing Officer and are summarised under the following licensing objective: -

**Prevention of Public Nuisance**

**(i) Local Residents**

The representations from the residents refer to noise from customers of the premises and loud music emanating from the premises. This means that residents are unable to enjoy the quiet comfort of their gardens or to sit in their houses with windows open during the summer months. There is also noise from pub customers sitting outside in the smoking area until late at night and it is feared this will go on for longer.

The representations also refer to anti social behaviour by persons leaving the premises at late hours, shouting and swearing and throwing litter into gardens.

**(ii) Raunds Town Council**

The representations from residents to Raunds Town Council also refers to noise from loud music and customers using the smoking area. They also raise the issue of doors being left open whilst music is played inside the pub causing disturbance to those seeking to enjoy their own property. Some speak of having to retreat indoors and closing doors and windows to gain some peace. Other representations suggest conditions which could/should be imposed on the licence such as interior lobby doors; double glazing and windows and doors to be kept shut.