

# LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 23 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. DECLARATION OF INTEREST

The three Panel members all declared personal interests in Item 4 below because they knew Councillor Robin Underwood; one of the speakers. They remained in the Hearing and took part in the discussion and decision on the application.

## 3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE WHEATSHEAF, HIGH STREET SOUTH, RUSHDEN

The Licensing Officer reported on an application for the variation of a Premises Licence for The Wheatsheaf, High Street South, Rushden, under the Licensing Act 2003.

The application requested variations to opening hours for the following (current times are in brackets):

### **Live Music** (Indoors and Outdoors):

Sunday to Wednesday – 11:00 to 00:30 hours (11:00 to 23:30)

Thursday 11:00 to 02:30 hours (11:00 to 23:30)

Friday and Saturday – 11:00 to 03:30 hours (Friday to Sunday only 11:00 to 23:30)

### **Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve and New Years Day – 11:00 to 03:30 hours (Christmas Eve, Boxing Day and New Years Day – 11:00 to 00:30. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours

### **Recorded Music:**

Sunday to Wednesday – 11:00 to 00:30 hours (19:00 to 23:00)

Thursday – 11:00 to 02:30 hours (11:00 to 23:30)

Friday to Saturday – 11:00 to 03:30 hours (Friday to Sunday only 11:00 to 23:00)

### **Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve and New Years Day – 11:00 to 03:30 hours

(Christmas Eve, Boxing Day, New Years Day – 11:00 to 00:30. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours

**Late Night Refreshment:**

Sunday to Wednesday – 23:00 to 00:30 hours

Thursday – 23:00 to 02:30 hours

Friday and Saturday – 23:00 to 03:30 hours

**Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day, Bank Holiday Weekends Friday/Saturday/Sunday – 23:00 to 03:30 hours

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

**Supply of Alcohol:**

Sunday to Wednesday – 11:00 to 00:30 hours (11:00 to 23:00)

Thursday – 11:00 to 02:30 hours (11:00 to 23:00)

Friday and Saturday – 11:00 to 03:30 hours (11:00 to 23:30)

**Non Standard timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day – 11:00 to 03:30 hours  
(Christmas Eve, Boxing Day, New Years Day – 11:00 to 00:00 hours. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours (11:00 to 14:00 and 19:00 to 23:00)

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours (11:00 to 00:00)

**Hours Premises Open to Public:**

Sunday to Wednesday – 11:00 to 00:30 hours (Sunday to Thursday – 11:00 to 23:30)

Thursday – 11:00 to 02:30 hours (11:00 to 23:30)

Friday and Saturday – 11:00 to 03:30 hours (11:00 to 00:00)

**Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day, Bank Holiday Weekends Friday/Saturday/Sunday – 23:00 to 03:30 hours

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

All the statutory bodies had been consulted. A representation had been received from Rushden Town Council on behalf of local residents, which included letters from 14 local residents. Representations had also been received from the Environmental Protection Officer and Police but these had now been withdrawn because the applicants had agreed to incorporate their suggestions as additional conditions if the Licence were granted. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 8 below).

The Chairman mentioned that an allegation about drugs being consumed and sold at the premises in one of the objections received from a local resident would be disregarded by the Panel because the allegations were unfounded and had not been proven.

**(a) Evidence from the applicants**

Ms J Hancock, one of the applicants, spoke in support of the application. They had taken over the premises two years ago and the change in hours was being requested to enable the pub to compete with the new Wetherspoons pub, which would be opening soon in the High Street. She stated that they would not have applied for the variation to the Licence if the Wetherspoons pub was not opening. They had agreed to incorporate some additional conditions on the Licence suggested by the Police including: installation of CCTV; staff

training on licensing matters; use of polycarbonate glasses and door staff being present on Friday and Saturday evenings. After consultation with the Environmental Protection Officer, they had agreed to remove the request for holding outside events. She claimed that some of the alleged noise outside the premises late at night mentioned by the objectors was not necessarily caused by their patrons and could come from other nearby premises, including the pizza takeaway adjacent to the pub.

Mr Perry, the other applicant and manager of the premises, also spoke in support of the application. With regard to objectors' complaints about noise nuisance from the premises during events, he had gone outside to check for any possible noise whilst a band had been playing inside the premises recently and stated that he could only hear noise at the front. In order to alleviate any potential future noise nuisance issues, secondary glazing was to be installed in the premises soon and he also mentioned that no doors were left open when entertainments were taking place inside the premises. However, he had been unable to prevent people gaining access into the pub's rear garden after closing and causing noise because the entrance to the car park to the side of the premises was left open and was also used by local people to gain access to the public right of way at the rear of the premises leading into Griffith Street. He would consider the feasibility of installing a gate at the side of the premises to prevent people gaining access into the rear garden after closing. He confirmed that there would be no outside music events and there would only be live music in the pub on Saturday evenings, with discos on Thursday, Friday and Sunday evenings and that door staff would be present at the main entrance of the premises between 8pm and 12 midnight only on Friday and Saturday. He had been proactive in preventing underage drinking at the premises. This had been confirmed by checks undertaken by the Police.

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

Mrs V Prodger, Clerk of Rushden Town Council, spoke objecting to the application. She said that the application had been discussed at a recent meeting of the Town Council which had expressed concern that crime and disorder would increase in the area if the application was granted. The proposed extension of hours would also cause nuisance to local residents. The Town Council had sent a letter offering to co-ordinate objections to the application on behalf of local people and a number of objections and petition had been received from local residents in response, which had been forwarded to the District Council for consideration.

Councillor Robin Underwood, a Ward Councillor for Rushden, spoke objecting to the application. He mentioned that the pub was in his Ward and he was representing local residents at the Hearing who had objected to the application. If the application was granted he considered that it would result in greater public nuisance for local residents. He said that the area had a history of crime and disorder and this would increase if the variation was granted.

Mr Graham Abraham, a local resident living in Griffith Street, spoke objecting to the application. He was also representing another local resident Mr G Snarey and read out a statement from him objecting to the application. The Chairman said that that the statement did not appear to have any valid objections based on the licensing objectives and would be disregarded by the Panel. Mr Abraham said that he had objected to the application because of his concerns about noise nuisance, public order issues and the affect on other local residents if the application was granted. He could hear music from events held at the premises when sitting in his rear garden during the summer because his property was behind the pub.

In response, the applicants offered to notify Mr Abrahams when future events were being held and said that Mr Perry would be prepared to visit his property in Griffith Street when a group was playing to discuss any issues or concerns with him. Mr Abraham agreed to this

offer, which was also welcomed by the Panel.

Ms Hancock summed up the applicant's case and stated that they had taken on board the concerns of the Police, the Environmental Protection Officer and representations local residents and had amended the application accordingly by agreeing not to hold outside music events, with no bands playing live after 12 midnight. They would also be prepared to discuss any issues or concerns with local residents.

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 a Premises Licence for The Wheatsheaf, High Street South, Rushden, 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 with additional conditions:

"The Licensing Panel has considered this application for a variation of Premises Licence for The Wheatsheaf Public House, 1 High Street, Rushden and has taken into account the Licensing Officer's 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. The Panel considered the extent of public feeling and objections to the request for the extended hours and have decided the following licensing hours will apply:

**1. Licensable Activities**

**Live Music:**

Sunday to Thursday - 11:00 to 23:30 hours

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

**Non Standard Timings**

Christmas Eve and Boxing Day - 11:00 to 01:00 hours

Christmas Day - 11:00 to 14:30 hours and 19:00 to 23:59 hours

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

New Years Day - 11:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 11:00 to 00:30 hours

**Recorded Music:**

Sunday to Thursday – 11:00 to 23:59 hours

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

**Non Standard Timings**

Christmas Eve and Boxing Day - 11:00 to 01:00 hours

Christmas Day - 11:00 to 14:30 hours and 19:00 to 23:59 hours

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

New Years Day - 11:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 11:00 to 00:30 hours

**Late Night Refreshment:**

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

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

**Non Standard Timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday 23:00 to 00:30 hours

**Supply of Alcohol:**

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

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

**Non- standard timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 23:00 to 00:30 hours

**Hours Premises Open to Public:**

Sunday to Thursday - 11:00 to 00:30 hours

Friday and Saturday - 11:00 to 01:00

**Non Standard Timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 23:00 to 00:30 hours

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. These include littering, fouling and noise."*

The Panel is conscious the premises is in a reasonably high density residential area 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 weight of evidence provided in the representations from objectors convinced the Panel there is already public nuisance issues in the immediate vicinity of the subject premises. The Panels' 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 in the timings above.

**The Panel has agreed to remove the following existing additional condition:**

**Recorded Music**

1. Disco with DJ with regulated amplified music no more than once a month.

The remaining existing additional conditions are unchanged.

**The Panel imposes the following additional conditions:**

1. CCTV to operate within the premises and **to cover both the outside patio area and the area immediately outside the front of the premises on High Street South.** Recordings to be maintained for 14 days. The premises licence holder shall ensure that the DPS or in his/her absence a nominated member of staff is trained in methods of retrieval. Where evidence is requested from the CCTV by a police officer or authorised person this is to be provided for viewing immediately on request, and collection within 24 hours.  
**Reason – to prevent crime and disorder**
2. The Licence Holder has agreed to operate a “no glass” policy (which means the non use of glass drinking vessels of any description) from **2300 hours on Fridays and Saturdays.** Only toughened plastic or polycarbonate vessels are to be used.  
**Reason – to prevent crime and disorder**
3. SIA registered door supervisors must be employed on any day when regulated entertainment is taking place. These door supervisors are to be in place on each occasion from 21:00 hours. Door supervisors operating at the entrance/exit or any external areas shall wear high visibility jackets.  
**Reason – to prevent crime and disorder**
4. A bound and sequentially paginated refusal register and incident log shall be kept at the premises and be made available on request to a Police Officer or other authorised Person.  
**Reason – to prevent crime and disorder**
5. No live or recorded music shall be played, relayed or amplified outside of the building that is licensed at any time.  
**Reason – to prevent public nuisance**
6. 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.  
**Reason – to prevent public nuisance**
7. 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.  
**Reason – to prevent public nuisance**
8. The Licence Holder shall take the appropriate and necessary action to ensure noise levels from patrons using the smoking area and associated external areas shall not exceed levels acceptable to the Environmental Protection Officers.  
**Reason – to prevent public nuisance**
9. The Licence Holder shall install a secure gate at the junction of the alley way and the premises car park. That gate is to be secured each evening at 23:00 hours to prevent departing patrons using the alley way and shall remain closed until at least 11:00 hours the following morning.  
**Reason – to prevent public nuisance**
10. In accordance with the statement made by the Licence Holder, that he would only hold one live music event each week, a further condition to be imposed is that there shall be

no more than one live music event taking place during any one calendar week.

**Reason – to prevent public nuisance**

**Advisory**

The Panel was encouraged by a number of measures the Licence Holder indicated he was prepared to take to alleviate existing problems. The Panel was also pleased to hear one of the objectors invite the Licence Holder to attend his property during regulated entertainment activities to experience noise levels. The Panel invites the Licensing Enforcement Officer to act as a facilitator to set up this positive opportunity for dialogue.

The Licence Holder explained to the Panel he intends to fit secondary glazing to mitigate noise nuisance. The Licence Holder is to communicate with Environmental Protection to confirm a completion date.

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 WHEATSHEAF,  
HIGH STREET SOUTH, RUSHDEN**

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

**(a) Prevention of Crime and Disorder**

The representations from the residents referred to low level crime such as fly tipping and criminal damage to property. There are also allegations regarding drug taking and dealing in the area.

**(b) Prevention of Public Nuisance**

The representations from local residents referred to noise from customers of the premises and loud music emanating from the premises from music being played inside the premises and from noisy customers using the outside areas of the premises.

The representation from the Environmental Protection Officer was concerned with public nuisance caused by music and other outdoor entertainment. However, conditions had been agreed in writing with the applicants and included a reduction in the hours of operation and removal of outside entertainment. The agreed conditions would be included in the Licence.

The representation from the District Councillor was concerned with noise from entertainment and also asked for a reduction in the hours of operation.

The representations from the Police had been agreed by the applicants and the conditions asked for by the Police would be included in the Licence.