

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 15 February 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Pauline Bradberry
Peter MacGovern

Richard Gell (Chairman)

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed Chairman for this Hearing.

2. DECLARATION OF INTEREST

No interests were declared.

3. APPLICATION FOR A PREMISES LICENCE – THE WOODPECKER, MARSHALLS ROAD, RAUNDS

The Licensing Officer reported on an application for the variation of a Premises Licence for The Woodpecker, Marshalls Road, Raunds, under the Licensing Act 2003.

The application requested hours for the following regulated entertainment:

Plays

Monday to Sunday from 09:00 to 2300 hours

Films

Monday to Sunday from 09:00 to 2300 hours

Indoor Sporting Events

Monday to Saturday from 10:00 to 23:30 hours

Sunday from 11:00 to 22:30 hours

Non Standard Times

Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday Sunday Monday and any other Bank holidays from 11:00 to 02:00 hours the following day.

Live Music

Monday to Wednesday from 11:00 to 23:30 hours

Thursday from 11:00 to 23:59 hours

Friday and Saturday from 11:00 to 01:00 hours

Sunday from 11:00 to 23:00 hours

Seasonal variations

Raunds Music Festival (Springtime) Thursday to Sunday from 11:00 to 01:00 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 from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Recorded Music

Monday to Wednesday from 09:00 to 23:30 hours

Thursday from 09:00 to 23:59 hours

Friday and Saturday from 09:00 to 01:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Performances of Dance

Monday to Sunday from 09:00 to 23:00 hours

Provision of Facilities for Dancing

Monday to Thursday from 09:00 to 23:30 hours

Friday to Saturday from 09:00 to 02:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day Boxing Day Good Friday Easter Saturday Sunday Monday and all other Bank Holidays from 09:00 to 02:00 hours the following day

New Years Eve from 09:00 to 03:00 hours the following day.

Late Night Refreshment

Monday to Wednesday from 23:00 to 23:59 hours

Thursday from 23:00 to 00:30 hours

Friday and Saturday from 23:00 to 01:30 hours

Non Standard Timings

Christmas Eve, Boxing Day, Good Friday, Easter Saturday Sunday and Monday any other Bank Holiday, New Years Eve from 23:00 to 02:00 hours the following day.

Supply of Alcohol (Both On and Off)

Monday to Wednesday from 10:00 to 23:30 hours

Thursday from 10:00 to 23:59 hours

Friday and Saturday from 10:00 to 01:30 hours

Sunday from 11:00 to 22:30 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 from 10:00 to 02:00 hours the following day.

New Years Eve from 10:00 to 03:00 hours the following day.

All the statutory bodies had been consulted. Representations had been received from six local residents, two of which had been withdrawn. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 7 below).

The Panel noted that Environmental Protection and the Police had agreed conditions with the applicant and these were submitted for information.

(a) Evidence from the applicant

Mrs Eileen Macaulay, the applicant, spoke in support of the application. She confirmed that her application for the playing of music outside had been withdrawn. She explained that she and her partner had been the licensees of The World Upside Down in Raunds for four years and had had no issues during that time. The premises had been extensively renovated, including the installation of extra external lighting, 24 hour CCTV and double glazing in all windows on the ground floor. No music would be played outside and the applicant would advertise in advance when live music would be taking place. Although the applicant had requested later hours, she intended to close the doors at 2300 hours as at The World Upside Down which would mean people would filter out at different times. She hoped to develop good relations with her neighbours and would distribute contact numbers. Other measures the applicant would have in place included, training for all staff with regards to under-age drinking and anti-social behaviour, the keeping of due diligence records, the keeping of a log to record refusals, signage warning those in the smoking area or leaving about noise and language, and membership of the local Pubwatch scheme.

(b) Evidence from the objectors

No objectors attended the hearing. It was noted that most of the local residents' concerns were historic and related to the previous licensee. As a resident of Marshalls Road to the rear of the premises, the applicant was aware of previous issues and was confident the premises would not be run in the way it had been under the previous licensee. Air conditioning had been installed to avoid the need for open windows. A sound test had also been carried out and music could not be heard by residents of Marshalls Road.

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 Premises Licence for The Woodpecker, Marshalls 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 Licence with additional conditions:

“The Licensing Panel has considered this application for a new Premises Licence for The Woodpecker, Marshalls Road, Raunds, and has taken into account the Licensing Officer’s report, representations objecting to the application and evidence presented by the Applicant. In reaching its decision the Panel paid due consideration to the operating schedule submitted by the Applicant.

The Applicant has already installed double glazing and air conditioning and has carried out a noise assessment report in an effort to reduce any noise nuisance.

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 decision.

The Panel’s decision is to grant the premises licence for the licensable activities and hours as applied for.

1. **Licensable Activities**

Plays

Monday to Sunday from 09:00 to 23:00 hours

Films

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Indoor Sporting Events

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Thursday from 23:00 to 00:30 hours

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New Years Eve from 10:00 to 03:00 hours the following day.

The Panel also imposes the following **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 is to ensure that whenever any form of live entertainment, live music, recorded music or anything similar is taking place all doors are to remain closed to mitigate the noise nuisance effect.
3. The Licence Holder is to 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 is to 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.

Reason for the above conditions – to prevent public nuisance.

5. The Licensee shall have installed and properly maintained in working order at all times a CCTV system. In particular this system shall:
 - a. Hold images for at least 21 days
 - b. Cover all areas to which the public have access, including entrances and exits.
 - c. Staff shall be fully trained in its operation
 - d. Images will be made immediately available from the system to a police officer on request
 - e. Real time images of CCTV coverage will be on view to a member of staff at all times during hours of opening.

Reason for the above conditions – the prevention of crime and disorder

6. The Licensee shall ensure all staff engaged in selling alcohol are trained in alcohol awareness.
7. All new staff to be trained within 2 weeks of commencing employment. Evidence of training to be retained in writing (signed and dated) and to be available for inspection by any authorised person and trading standards officers.

Reason for the above conditions – public safety

8. 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

The Decision Notice will be sent out in writing to all interested parties. If aggrieved with the Panel's decision, the applicant and any party that has made representations has the right to appeal to the Magistrates Court within 21 days of the Decision Notification letter."

Chairman

**APPLICATION FOR A PREMISES LICENCE – THE WOODPECKER, MARSHALLS
ROAD, RAUNDS**

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

1. Prevention of Public Nuisance

The representations from the residents referred to noise from customers of the premises and loud music emanating from the premises. The representations also referred to anti-social behaviour by persons leaving the premises at late hours, shouting and swearing and throwing litter into gardens.

2. Prevention of Crime and Disorder

The representations received from residents referred to concerns about crime and disorder re-occurring as they had historical problems with a previous premises located here.