

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 11 July 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)  
Brian Northall

Pauline Bradberry

## 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 – THE SHUCKBURGH ARMS, SOUTHWICK

The Licensing Officer reported on an application for a variation to the premises licence for the Shuckburgh Arms, Southwick under the Licensing Act 2003.

The application requested a licence for the provision of regulated entertainment and entertainment facilities.

All the statutory bodies had been consulted. Seven representations had been received from local residents and one from Environmental Protection.

Since the production of report two additional documents had been circulated: a report from environmental protection and a letter from the applicant dated 7 July setting out revised proposals as a result of a meeting with local residents on 6 July. The applicant asked the panel to consider the proposals set out in his letter rather than those set out in the Licensing Officer's report.

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

David Dixon, the applicant, spoke in support of the application. He directed the panel and objectors' attention to his letter of 7 July setting out revised proposals as a result of a meeting with local residents. He asked the panel to note that he had arranged a meeting with local residents to discuss their concerns with his original application and negotiated a compromise. There had been no incidents of public nuisance since the applicant had been the licence holder.

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

Mr Andrew Eden, a local resident, commented that the proposed changes were almost identical to the application submitted by David Dixon a year ago. He stated that the original objectors concerns

AE – ext hrs for alc and op hrs almost identical to app year ago. lic for amp outdoor music for bank hols disappointing. Orig objectors concerns re impact on local residents – small village with dwellings close to pub – still stand. Late night refreshments/after hours refused last time because of potential of disturbance to local residents – still applies. Present license provides structure to day to day running. Hope could last longer than 14 months

DD – objector focussing on potential - variation based on experience

SE – concern should pub change hands and license carry forward and licensing hrs need to reflect location in residential area. Compared to Woodnewton and other village pubs amongst residential properties the sale of alcohol limited to before 11.30 on any night.

CW – pleased to received 7 July letter. Item 4 – can't play 365 days. Comforted last paragraph on first page and hope trust can be kept.

DR – disappointed consultation on 6 July didn't take place before application put in. concerns – no disturbances reported but outside amplified music hasn't been played so unknown. Agreement felt reasonable. Want pub to be successful, important for village.

MD – prevention of public nuisance, usually noise. Negotiated with licensee. Concerned that DD didn't know certain conditions were on his license eg playing of outdoor music. No complaints since licence granted April 2010. agreed hrs for playing music with EP and local residents. Concern – rear of the premises and patio area. Asked panel to consider restricting consumption of alcohol as well as hours.

MD explained what objectors could do if had issue with noise – relates to premises not road or public footpath; noise from premises can make complaint – needs to be repeated and prolonged, first step speak to landlord, second contact EP, will be asked to maintain log of incidents.

DD – would be difficult to manage restrictions on consumption of alcohol outside with smoking area

Staff – 2 or 3 at any one time

Extended hours – to benefit existing customers

Chairman commented pleased with how license holder and local community working together.

Noted cannot reduce hours on variation request

Individuals living in close proximity can request a review if significant problem in fullness of time

Offered to allow panel to consider reduction of hours of sale of alcohol outside if felt necessary, though panel cannot make decision to reduce hours.

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 to the premises licence for the Shuckburgh Arms,

Southwick 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 variation of premises licence for The Shuckburgh Arms, Main Street, Southwick and has taken into account the Licensing Officers report, representations 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 has reached the following decisions.

To grant the following variations to the premises licence.

### **Supply of alcohol**

Monday to Thursday inclusive 10:00 until 23:30 hours.

Friday 10:00 until 00:30 hours.

Saturday 10:00 hours until 01:00.

Sunday 10:00 until 23:00 hours.

### **Supply of alcohol outdoors**

All days of the week 10:00 hours until 23:00 hours.

(The applicant volunteered this reduction of licensed hours in his letter to the Licensing Enforcement Officer dated 07 July 2011).

### **Late night refreshment**

Monday to Thursday until 23:30 hours.

Friday until 00:30 hours.

Saturday until 01:00.

(The same end timings as the supply of alcohol)

### **Hours open to the public**

Monday to Thursday inclusive 10:00 until 23:30 hours.

Friday 10:00 until 00:30 hours.

Saturday 10:00 hours until 01:00.

Sunday 10:00 until 23:00 hours.

(The same end timings as the supply of alcohol)

### **Licensable Activities**

All other timings for licensable activities remain as shown on the premises license issued on 22 April 2010.

Mandatory conditions remain extant.

The panel imposes the following additional conditions.

### **Condition 1**

Licensable activities, in so far as they take place outside at the rear of the licensed premises, shall only take place on bank holidays, (Friday to Mondays of those bank holidays) Christmas Eve and New Years Eve and on no more than 2 additional days in any calendar month.

**Reason – prevention of public nuisance**

**Condition 2**

The licence holder is to ensure that whenever live entertainment, live music, recorded music or anything similar is taking place all doors, windows and skylights are to remain closed to mitigate the noise nuisance effect.

**Reason – prevention of public nuisance**

**Condition 3**

No sound shall be allowed to emit from the premises so as to cause nuisance to occupants at nearby premises.

**Reason – prevention of public nuisance**

**Advisory**

The panel was pleased with the applicant's willingness to engage in discussions with local residents and listen to their concerns, and trust that relationship continues. Equally, the panel felt the issues raised by local residents were in the main reasonable and in that respect, the panel felt the applicant had gone some way to address their concerns.

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."*

The panel is conscious that the premises is situated in a small residential village 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 chairman announced the decision notice would be sent out in writing within 21 days. The chairman then explained that if any of the interested parties is aggrieved with the panel's decision, they have the right to appeal to the Magistrates Court."

**Chairman**