



Licensing (Liquor and Gambling) Panel - 4 December 2012

Application for a Review of the Premises Licence at Rose and Crown, 1 High Street, Islip

Purpose of report

Application to review the Premises Licence at The Rose and Crown, 1 High Street, Islip

Attachment(s)

- Appendix 1 – Review Application Form
- Appendix 2 - Map of Area
- Appendix 3 - Representations
- Appendix 4 – Current licence

1.0 Summary

- 1.1 An application to review the premises licence at the Rose and Crown, Islip was received on 10 October 2012. The appropriate Blue Notice was displayed on the premises during the required consultation period.

2.0 Review details

The grounds for the review are as follows:-

Prevention of Crime and Disorder Prevention of Public Nuisance

The application consists of a diary which details a series of the problems associated with the premises and is included in Appendix 1. To summarise, the key areas for concern are:-

- Loud recorded music affecting the sleep of residents
- Loud Karaoke affecting the property of concern and residents not being able to hear television
- Noise from the street, drunkenness, screaming, shouting and racing of vehicles affecting sleep of the residents
- Loud live music affecting sleep and ability to hear television.
- People from the Rose and Crown in residents' garden.

3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Police	No representation
Trading Standards	No representation
Revenues and Customs	No representation
Health Authority	No representation
Town/Parish Council	Representation
Environmental Protection	Representation
Environmental Health	No representation
Licensing	No representation
Planning	No representation

- 3.1 There were seven representations received from the public. They are all in support of the Rose and Crown as a business and local amenity; however, only three of these reside in Islip and their locations are highlighted on the Map in Appendix 2. They support the need for a public house in the village and feel the existing management manage the facility very well.

See Appendix 3 for full representations.

- 3.2 There was a representation received from Environmental Protection with respect to public nuisance. They have witnessed a statutory nuisance at the premises and have dealt with this through a "minded to issue a notice" process. They have recordings taken from a complainant's address which substantiate the complaints as detailed in the review application. In addition, they have found that the Rose and Crown has been operating outside of its licence on two occasions. They have asked that the following conditions are added to the licence to prevent noise nuisance:-
- Noise from amplified/live music or PA systems inside the club house shall not be audible at the nearest residential dwelling.
 - Doors and windows must remain closed whilst regulated entertainment is carried out.
 - Live music should only be permitted on a Friday and Saturday night
 - Live entertainment should cease at 23:00
 - Recorded music should end 30 minutes before the end of the licensable hours.
- 3.3 There was a representation received from the Parish Council with respect to public nuisance; it refers to complaints received from residents about rowdiness on the streets.

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 it deems them necessary to promote the licensing objectives:
- No further action
 - Modify the licence by adding conditions (such as reducing hours) necessary for the promotion of the licensing objectives
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for up to three months
 - Revoke the licence

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 appropriate, 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 appropriate 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 1.16).
- 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 other person 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 9.33).

6.2 Conditions

- 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 2003 Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. The

conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. (para 10.14).

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 the review application.

Legal	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance, April 2012; Statement of Licensing Policy				
Background Papers: None					
Person Originating Report: Julia Smith Commercial Health Manager jsmith@east-northamptonshire.gov.uk 01832 742066					
Date: 15 November 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)