



# East Northamptonshire Council

## Licensing Panel - 18 June 2009

### Review of the Premises Licence for The George Inn, Glaphorn Road, Oundle.

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#### Summary

Review of the Premises Licence for the George Inn, Glaphorn Road, Oundle

#### Attachment(s)

Appendix 1 - Premises Licence

Appendix 2 - Map of Area

Appendix 3 - Request for review from Environmental Protection, East Northamptonshire Council

Appendix 4 - Representations

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#### 1.0 Summary

1.1 An application for the review of the Premises Licence at The George Inn, Glaphorn Road, Oundle, has been received from Karen Pell, Environmental Protection Officer, East Northamptonshire Council. The appropriate Blue notice was displayed at the public house, on the Council Notice Board, and the Council's website.

#### 2.0 Application for Review

2.1 The grounds for the review are listed below under the appropriate Licensing Objective.

2.2 Prevention of Public Nuisance

This application was prompted by the conviction at the Magistrates Court of the licence holder Mr John Saunders for the breach of a Noise Abatement Notice.

#### 3.0 Consultations

3.1 The following Consultations have been undertaken:

Child Protection	No Representation
Fire	No Representation
Trading Standards	No Representation
Revenue and Customs	No Representation
Town Council	Representation
Environmental Protection	Applicant for review
Planning	No Representation
Public	4 Representations (3 for and 1 against Review)
Police	No Representation

3.2 The representations have been analysed and a summary of each is shown under the relevant licensing objective.

3.3 The representation from Oundle Town Council states that the Council feels the proposed action appears harsh. (The full representation is at Appendix 4a).

### 3.4 Prevention of Nuisance

The three representations from the public in support of the Review all detail nuisance caused by loud music from the premises.

“...we noticed that there was loud music coming from a live band...clearly audible in our bedrooms and very disturbing”

“..immediately aware of music, with a heavy bass beat.. the music was pretty loud. I could hear it through double glazing. It stopped about 11.45pm”

“Our most recent intrusion was on Sunday May 3 2009 when we heard the bass beat from the George through our walls in the front of the house”

(The full representations are at Appendix 4b).

The single letter from the public against the Review refers to the writers use of, and support for, the public house.

“I am and remain absolutely flabbergasted at the review called by the council once again.”

(The full representation is at Appendix 4c).

## 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 they deem them necessary to promote the licensing objectives:

- No action is necessary
- To 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
- Suspend the licence for up to three months
- Revoke the licence
- Remove the Designated Premises Supervisor.

## 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 – 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 necessary, 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).
- 5.0 Licensing Hours – relates to higher standards being included within an operating schedule to address licensing objectives, the need to consider the adequacy of measures proposed to deal with nuisance and /or public disorder and demand stricter conditions with regard noise control near denser residential accommodation.
- 9.0 Licence Conditions - this Authority will therefore avoid the general

application of standardised conditions to licences and certificates. However to ensure consistency, when it is necessary to apply conditions, the Authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. (Pages 148 – 170 of section 182 Guidance).

## **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 Panel 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 1.15).
- 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 interested party 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 9.24).

### **6.2 Control of Licensee**

- Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control (para 1.26).

### **6.3 Conditions**

- Under former licensing regimes, 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 Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources (para 10.13).

## 6.4 Opening Hours

- In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19).
- However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested (para 10.20).

## 6.5 Reviews

- It is advisable that the Panel refers to Section 11 in the Section 182 Guidance which covers the Review.

## 7.0 Invitation to Determine

7.1 The Panel is asked to consider the information detailed above and determine whether to place extra conditions on the Premises License.

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input checked="" type="checkbox"/> Good Reputation <input type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery <input type="checkbox"/>
Effective Partnership Working	<input checked="" type="checkbox"/> Strong Community Leadership <input checked="" type="checkbox"/>
Effective Management	<input type="checkbox"/> Knowledge of our Customers and Communities <input checked="" type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
<b>Other:</b>	
Decision(s) would be outside the budget or policy framework and require full Council approval <input type="checkbox"/>	
<b>Financial</b>	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score - <input type="checkbox"/>
<b>Staff</b>	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
<b>Legal</b>	Power: Licensing Act 2003
	Other considerations: S182 Guidance
<b>Background Papers:</b>	

<b>Person Originating Report:</b> Tom Morrissey Licensing Enforcement Officer 01832 742241					
<b>Date:</b> 29 May 2009					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 19)