



# East Northamptonshire Council

## Licensing Panel - 26 June 2009

### Application for a Premises Licence for Irthlingborough Town Band Club

#### Summary

Application for a Premises Licence for Irthlingborough Town Band Club, 104 Victoria Street, Irthlingborough

#### Attachment(s)

- Appendix 1 - Application Form
- Appendix 2 - Map of Area
- Appendix 3 - Representations
- Appendix 4 - Club Premises Certificate

#### 1.0 Summary

- 1.1 An application has been received for a Premises Licence for Irthlingborough Town Band Club. The Club already has a Club Premises Certificate.

#### 2.0 Application for Premises Licence under Licensing Act 2003

- 2.1 Those matters for which a Licence is sought are as listed below and the times requested are shown. Where applicable, the current times for Club activities are shown in brackets.
1. Films: 11.00 – 00.00 hours (20.00 – 23.00 hours)
  2. Indoor sporting events: 11.00 – 00.00 hours (20.00 – 22.30 hours)
  3. Boxing or wrestling entertainment: 11.00 – 00.00 hours
  4. Live music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
  5. Recorded music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
  6. Performance of dance: 11.00 – 01.00 hours (20.00 – 00.00 hours)
  7. Making of music: 11.00 – 01.00 hours
  8. Dancing: 11.00 – 01.00 hours
  9. Supply of alcohol: 11.00 – 01.00 hours (11.00 – 00.00 hours)

Extra hours are asked for those items numbered 4, 5, 8 and 9 until 02.00 hours on Boxing Day and until 04.00 hours on New Years Eve. (Currently 00.30 hours Boxing Day and 02.30 hours New Years Eve).

#### 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	No Representation
Environmental Protection	Representation
Environmental Health	No Representation
Planning	No Representation
Public	3 Representations
Police	Representation

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

### 3.3 Preventing Crime

The representation from the Police refers to a number of incidents involving crime and disorder linked to the club and recommends a number of conditions. This representation refers to “ a fight at the premises involving youths exiting the Club.” “Since that time, in both March and April 2009, Northants Police have received further calls from local residents complaining about underage drinking/drunkenness associated with the Club”. The full representation is at Appendix 3.

### 3.4 Public Nuisance

The representations from the public all refer to nuisance caused by patrons of the Club when leaving the Club late at night. “The vandalism...and excessive noise involved is much more noticeable when an event is occurring...”

“teenagers are drinking alcohol and when leaving the band Club cause a disturbance in the early hours”.

“The inability of the Club to maintain control of its customers on the street”. The full representations are at Appendix 3.

The representation from Environmental Protection refers to possible noise nuisance and asks for conditions to be imposed. The representation is at Appendix 3.

## 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:

- Grant subject to operating schedule and mandatory conditions only
- Grant subject to further conditions necessary for the promotion of the licensing objectives
- Exclude a licensable activity
- Reject the application

## 5.0 Policy Considerations

5.1 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**

6.1 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: -

### **Committee Consideration**

6.2 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).

6.3 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).

### **Control of Licensee**

6.4 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).

### **Conditions**

6.5 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).

6.6 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).

### **Opening Hours**

6.7 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).

6.8 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).

## 7.0 Invitation to Determine

7.1 The Panel is asked to consider the information detailed above and determine whether to grant the Premises Licence.

<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>	<input type="checkbox"/>
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 - <input type="checkbox"/> 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> 1 June 2009	
<b>CFO</b>	<b>MO</b>
<b>CX</b>	

(Committee Report Normal Rev. 19)