

**LICENSING (LIQUOR AND GAMBLING) PANEL**

**Date:** 15 January 2013

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 10:00am

**Present:** Councillors: -

**Tony Boto**  
**Glenvil Greenwood-Smith**

**Brian Northall**

**1. APPOINTMENT OF CHAIRMAN**

**RESOLVED:**

That Councillor Glenvil Greenwood-Smith be appointed as Chairman for this hearing.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**3. APPLICATION TO VARY THE PREMISES LICENCE FOR JOE'S BAR, 98 HIGH STREET, HIGHAM FERRERS**

The Commercial Health Manager reported on an application for a variation of the premises licence for Joe's Bar, 98 High Street, Higham Ferrers.

Members heard that an application to vary the premises licence at the Joe's Bar had been received on 15 November 2012 and that the appropriate Blue Notice had been displayed during the consultation period.

The application requested amendments to the hours of opening, the playing of live music and the playing of recorded music. The application further requested the removal of Condition 2 of the licence, removing the requirement for amplified music to cease by 23:00hrs. The hours applied for were (the current hours shown in brackets):

**Live Music**

11:00 to 23:45 Indoors – (11:00-23:00)

**Recorded Music**

11:00 to 00:30 Indoors – (11:00-23:00)

## **Variations of Conditions**

Condition 2 to be varied to remove the requirement that amplified music should cease at 23:00hrs

All the statutory bodies had been consulted. Six representations had been received from members of the public. No other representations had been received.

An update to the operating schedule for the premises was circulated to the members of the Panel.

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

The applicant, Mr Joseph Granfield was provided with the opportunity to speak in support of his application. Mr Granfield stated that other licensed premises in the vicinity operated with the hours applied for and he was losing custom to those premises and his were the only premises to close its doors at 23:00 hours. Mr Granfield had distributed over 200 letters to local residents and a meeting had taken place to address any concerns raised. Mr Granfield expressed his surprise that 6 objections had been received given the response to his letter.

Mr Granfield informed the Panel that the noise levels outside the front of his premises was minimal after 23:00 hours due to the front door being closed and live music events on Friday evenings were rare, there being only one event during the past year.

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

Three members of public attended the Hearing (Mrs Lesley Ilott, Mr Geoffrey Ilott and Mr Bob Coomer) and were provided with the opportunity to make a statement in support of their objections.

Mrs Ilott asked the applicant to outline the measures he had taken to reduce noise levels. Mr Granfield stated that as a tenant of the premises he was restricted in the work he could carry out, but outlined the following measures which had been taken:

- Window seals had been installed
- Planting had been provided to muffle noise
- Panels had been installed around the smoking area
- The front door to the premises was locked at 23:00 hours
- In June 2013, two current opening windows on the ground floor would be replaced with non-opening double-glazed units
- Blinds/curtains on the ground floor were closed to reduce noise (these were not acoustic)

The Commercial Health Manager confirmed that the current permitted hours for the playing of recorded music were 11:00-23:00. Mr Coomer confirmed that he objected to the proposed extension of hours for both live and recorded music. Mr Coomer referred to the number of residential properties in the vicinity of the licenced premises and the difficulty in limiting the noise levels of drums in particular in a live band.

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 of the Premises Licence for Joe's Bar, 98 High Street, Higham Ferrers, be granted.

The Licensing Panel has considered the application to vary a Premises Licence for Joe's Bar, 98 High Street, Higham Ferrers and has taken into account the Licensing Officers report and relevant representations.

The Panel has considered the concerns raised by objectors both those who attended the Hearing and those who submitted written objections to this application.

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 decision.

The Panel has unanimously decided that on a balance of probability the application to allow the variation application on the grounds that to do so would not infringe promoting the licensing objective of prevention of public nuisance.

The licence be modified as applied in the following terms

**Live Music**

11:00 to 23:45 Indoors – (current timing - 11:00 – 23:00)

**Recorded Music**

11:00 to 00:30 Indoors – (current timing - 11:00 – 23:00)

**Variation of conditions**

Condition 2 to be varied to remove the requirement that amplified music should cease at 23:00 hours

**Recommendation**

In order to mitigate the potential for public nuisance the Panel strongly recommend that acoustic curtains be installed at the appropriate windows to reduce the release of sound.

The Applicant do provide the nearby residents with a contact telephone number should communication be required.

The Panel took legal advice in relation to the licensing objectives and the correct legal test to be applied.

The Objectors are reminded that there is a review procedure should matters in respect of public nuisance need further consideration.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision,

the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.