

## **LICENSING (LIQUOR AND GAMBLING) PANEL**

**Date:** 7 February 2013

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

**Time:** 9:00am

**Present:** Councillors: -

**Glenn Harwood MBE  
Barbara Jenney**

**Bob Nightingale**

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor Glenn Harwood MBE be appointed as Chairman for this hearing.

### **2. DECLARATIONS OF INTEREST**

Councillor Jenney declared an interest as her husband; Councillor David Jenney had been involved in a consortium of former members of the Windmill Club in attempting to bid to buy the premises. Once the bid to purchase had proved unsuccessful, his involvement with the premises ceased to exist.

### **3. APPLICATION FOR A PREMISES LICENCE FOR THE WINDMILL CLUB AND SNOOKER CLUB, GLASSBROOK ROAD, RUSHDEN**

The Licensing Enforcement Officer reported on a new application for a premises licence for The Windmill Club and Snooker Club, Glassbrook Road, Rushden.

Members heard that an application for a premises licence at the Windmill Club and Snooker Club had been received on 20 December 2012 and that the appropriate Blue Notice had been displayed during the consultation period.

The application requested a licence for the hours and activities as listed below:

#### **Plays**

Monday to Sunday – 1000 hours to 0100 hours

#### **Films**

Monday to Sunday – 1000 hours to 0100 hours

#### **Indoor Sporting Events**

Monday to Sunday – 1000 hours to 0100 hours

#### **Boxing or Wrestling Entertainments**

Monday to Sunday – 1000 hours to 0100 hours

**Live Music**

Monday to Sunday – 1000 hours to 0100 hours

**Recorded Music**

Monday to Sunday – 1000 hours to 0100 hours

**Performance of Dance**

Monday to Sunday – 1000 hours to 0100 hours

**Anything of a similar description to that above**

Monday to Sunday – 1000 hours to 0100 hours

**Late Night Refreshment**

Monday to Sunday 2300 hours to 0100 hours

**Supply of Alcohol**

Monday to Sunday 0900 hours to 0200 hours

**Hours Premises Open to Public**

Monday to Sunday 0900 hours to 0230 hours

**(a) Evidence from the applicant**

The applicant, Mr Amrit Singh was provided with the opportunity to speak in support of his application.

The applicant advised the meeting that he had taken over club which had previously had both a premises licence and a club certificate. He and his business partner, Mr Dalvinder Singh, had applied for a premises licence with hours stated. He noted that although he had applied for a licence to supply alcohol until 0200 hours, the club would not operate until that time on a regular basis, just for certain events. The applicant advised the panel that he intended the club to trade until midnight ordinarily, but he did not wish to have to apply for Temporary Events Notices (TENS) every time he required a variation. He reiterated that he would not be trading 365 days of the year until 0200 hours, simply for Christmas, a New Year event and weddings/wakes, with normal hours will being until midnight.

Regarding potential noise in the courtyard to the rear of the premises, an agreement had been reached whereby patrons would not be allowed out there after 2300 hours and that this would be monitored by his staff. Regarding foul language being used by patrons in the beer garden, he could not provide comment as he had not owned the premises when this had been an issue for neighbours, but advised the panel he would not tolerate such behaviour. Patrons would be warned initially and then asked to leave the premises should their behaviour continue.

He further advised that as a membership card operated premises, the licence holder would be aware of the identity of their patrons and membership could be voided if there were any adverse issues.

**(b) Questions from Objectors to the Applicant**

The two objectors, Mrs Diane Hale and Mr Bob Smeeton, were then provided with an opportunity to ask questions of the applicant, with the Chairman of the panel reminding the objectors that most of the objections received related to problems caused during the previous regime and therefore could not be considered. He further advised that they could

only ask questions of the evidence the applicant had provided.

Mrs Diane Hale asked the applicant whether members would be allowed to sign in additional guests at the door. The applicant responded that they would, but only one guest per member. Mrs Hale subsequently wished to know whether all exits to the premises would be monitored during functions and whether they would be ticket holder only events. Mr Singh assured Mrs Hale that Christmas and New Year events would indeed be ticket holder only and the club would only seek to encourage attendance of members and their guests. Doors would be tightly monitored by club staff, with signs on exit doors reminding patrons to exit the premises quietly and to respect neighbours.

Mr Bob Smeeton wished to know whether doors to the premises would be allowed to remain open when patrons were in the smoking area. Mr Singh advised him that they would not; along with all windows and that the perimeter of the building would be monitored to ensure this. Mr Smeeton stated that he appreciated the idea that no alcohol would be allowed outside the premises with the applicant reiterating that the smoking area would also close at 2300 hours.

Mr Singh further advised the objectors that unlike the committee system that had been in place during the previous ownership, he and Mr Dalvinder Singh would be the sole operating management of the premises and that if any issues were to arise, both would be happy to receive approaches from neighbours.

### **(c) Questions from Panel Members to the Applicant**

Panel members then asked questions of the applicant.

Councillor Jenney wished to know whether closing the smoking area at 2300 hours would be enforceable given that the applicant was requesting to be open to the public until 0230 hours. Mr Singh replied that he had similar conditions at his other premises and it had proven to work, with patrons understanding the need for the closure.

The Chairman asked the applicant why he had not applied for a club certificate as the premises would be run as a club. The applicant responded to the question by advising that a club certificate was not profitable so he had applied for a premises licence.

The Chairman then asked the applicant how residents would be made aware of a point of contact at the premises, should concerns arise. The applicant advised the panel that there would be no issue with nearby residents having his direct mobile phone number, and when set up, the phone number and email address of the management.

The panel then questioned the applicant regarding a path that ran to the rear of the club premises that had been the location for anti-social behaviour in the past. The Chairman noted that inevitably there would be potential for noise nuisance, regardless of opening hours and that there was no realistic way the panel could impose a condition to prevent members of the public walking along the path and causing noise nuisance. The Chairman stated that it was down to how a club or premises were run in order to generate a sense of responsibility amongst patrons. The Chairman asked the applicant whether he had suffered similar issues at his other licenced premises and how he had addressed the issue of patrons leaving. The applicant advised the meeting that he ensured staff members were located by the front exit, and they were instructed not to let patrons "hang around" at closing time, with additional encouragement to disperse quickly.

The Chairman asked whether the applicant would be hiring any of the previous management staff. The applicant answered that up to three members of staff would be re-employed, one

assistant manager with the other posts being bar staff.

The applicant was reminded by the Chairman of their duty to ensure any working sound system was orientated correctly to reduce the opportunity for noise disturbance, especially with regard to the Northern elevation of the building, that nearest to neighbouring properties. The applicant was asked what actions he would take in order to prevent noise nuisance. The applicant responded that when a sound-check was occurring, a check of the perimeter of the premises would be undertaken to ensure nothing could be heard externally. Additionally, all windows and doors would remain closed while an event was on.

The Chairman asked the applicant what type of events he was expecting to put on, and how often these would be taking place. The applicant advised the panel that there would be karaoke and occasional live bands; he did not anticipate the events to be very different to those held previously at the premises. Bands would play on Friday and Saturday nights, with quiz nights and bingo taking place during the week.

The Chairman advised the applicant that he was satisfied the hours applied for were not the hours the premises would open to on a regular basis. The Chairman did however register concern that the applicant had requested a licence to supply alcohol until 0200 hours, plus access to the premises until 0230 hours, every day of the week. The Chairman sought assurances from the applicant that he would not open the premises until the aforementioned hours every night of the week should the licence be granted. The applicant re-iterated the level of work in submitting TENS was more hassle than it was worth. He mentioned that he had licenced premises until 0600 hours elsewhere, but none of the premises opened until then.

For the benefit of the objectors, the Chairman explained to the meeting that it was not unusual for applicants to put in applications such as this, as it allowed flexibility for a business to operate to its needs. Businesses had to pay for TENS, which meant that every time the applicant wished to extend his licensable hours to cover a special event, he would have to pay. The meeting was advised that should the panel apply conditions to Mr Singh's licence, he would have to operate to those, however if a TEN was applied for, those conditions would not apply, and ENC as a licensing body would have no control over that.

#### **(d) Evidence from the Objectors**

The objectors present were then invited to make their statements.

Mrs Diane Hale stated that living near to the premises day to day was tolerable and she was not objecting to the premises re-opening. She noted that regarding extended hours, the applicant had stated he would not tolerate groups of people congregating on the premises, but she advised the panel that such groups would then congregate on the street. Previous problems caused by departing patrons under the old management included;

- Banging on house windows;
- Her car had been damaged;
- Noise from multiple taxis collecting departing patrons;
- The path behind the premises being used as a urinal and for drug deals;

Mrs Hale stated that since the premises had closed, life had improved and she had concerns that should it re-open, there would be additional traffic on a narrow street. She felt that with limited space in the club car park, excess cars would spill onto the street which was at capacity already.

The Chairman noted that while parking was not ideal, it was not an issue that the licensing panel could address. Similarly, although he could understand the inconvenience of the noise of taxis turning up, the panel could not involve themselves in any way to prevent that.

Mrs Hale stated that she would prefer to see the licensing hours capped at midnight. The applicant responded to the objector by saying he could not comment on the way the premises had been run previously, but that he would run the club differently. He stated there was space for fifty cars at both the front and back of the premises, spaces which were being utilised by nearby residents. He advised Mrs Hale that he could give her his contact details and if there were any issues, she could contact him directly.

Councillor Nightingale sympathised with Mrs Hale's concerns for the future of the premises and stated he could understand her mention of past concerns. However, he felt there was adequate parking on the site. He further stated that even though the applicant could be contacted so readily, it would be useful if the applicant instigated approaches to local residents to ascertain whether residents were satisfied with his running of the premises.

Mr Bob Smeeton raised two concerns; one regarding the smoking area he felt had been dealt with by the applicant stating his intention to close the area from 2300 hours. The second concern stemmed from vandalism caused on the path behind the premises. Mr Smeeton stated he had previously had a fire extinguisher, stolen from the Windmill Club, thrown through his greenhouse, as well as a bottle having been thrown through his conservatory roof, both acts committed by patrons exiting the club. He thanked the applicant for stating he would close the smoking area after 2300 hours, and keep windows and doors closed.

The Chairman stated that it was beyond powers of the licensing panel to do anything about the path behind the premises, and that issues had remained even though the club had been closed for some time.

Mr Singh advised Mr Smeeton that he would provide him with a direct telephone number to discuss any issues arising. He further stated that if the land the path crossed did belong to the club he and his business partner would gladly fence it off, but that his solicitor had indicated it was a right of way.

Councillor Nightingale considered that it would be beneficial for a relationship to be built between the applicant and Mr Smeeton, and that Rushden Town Council may be able assist with ensuring PSCOs visit the alleyway on a more regular basis.

Councillor Jenney noted that the premises was a much loved club that had been part of the fabric of society in Rushden for a long time and that it would be nice to have new life breathed into it. If there was an opportunity to form a liaison with new owners to the benefit of everyone, it should be taken.

The Chairman stated that members of public who felt aggrieved regarding a possible breach of licensing conditions should get in touch with Environmental Protection or the Licensing Officer, and could call for a review of the licence.

Councillor Jenney concluded by advising the objectors regarding the Safer Communities Panel operating in Rushden that could be of use to residents affected by issues such as vandalism.

**(e) Applicant Final Statement**

The applicant was given the opportunity by the Chairman to make a final statement before the panel considered the application.

The applicant stated he had been in the licensing trade for over 17 years and owned many licenced premises up and down the country. His was a professional operation; one that had never been back before a licensing panel for breaching licensing conditions. If any issues arose he would be more than happy to meet with neighbours on regular basis.

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 Premises Licence for the Windmill Club and Snooker Club, Glassbrook Road, Rushden, be granted.

The Licensing Panel had considered this application for a new Premises Licence for the Windmill Club and Snooker Club, Glassbrook Road, Rushden and has taken into account the Licensing Officer's report and representations from members of the public and the submission of the Applicant.

Conditions were previously agreed with both the Police and East Northamptonshire Council Environmental Protection Team.

After careful deliberation and consideration of the Licensing Objectives, ENC's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, (amended April 2012) the Panel has reached the following decision.

To **grant** a Premises Licence as follows:-

**Plays**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Films**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Indoor Sporting Events**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Boxing or Wrestling Entertainments**

Monday to Sunday 1000 hours- 0100 hours (the following day)

**Live Music**

Monday to Sunday 2300 hours – 0100 hours (the following day)

**Recorded Music**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Performance of Dance**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Anything of a similar description to that above.**

Monday to Sunday 1000 hours – 0100 hours (the following day)

**Late Night Refreshment**

Monday to Sunday 2300 hours – 0100 hours (the following day)

**Supply of Alcohol**

Sunday to Thursday 0900 hours until 0100 the following day

Friday and Saturday 0900 hours until 0200 the following day

**Hours Premises Open to Public**

Sunday to Thursday 0900 hours until 0100 the following day

Friday and Saturday 0900 hours until 0200 the following day

The Applicant explained to the Panel that it was his intention to shut normally at midnight.

Whilst the Panel feel the club will be well managed, there is no doubt that, when patrons leave the club there is a likelihood for public nuisance to occur, because of noise and other minor anti-social behaviour taking place in the alley way by patrons leaving the premises.

With that in mind and in the interests of residential amenity the Panel felt it appropriate to reduce the hours applied for. Consequently, the Panel felt it appropriate to reduce the hours applied for during the working week as they believe that will promote the licensing objective of the prevention of public nuisance and this could not be overcome by conditions and which accords with this Councils Statement of Licensing Policy.

**Conditions**

All mandatory conditions will apply.

In addition, the Panel has decided to impose the following conditions:-

1. No drinks or refreshments will be consumed outdoors after 2300 hours.  
**Reason – the prevention of public nuisance**
2. Doors and windows are to be kept closed when regulated entertainment and when live or recorded music is being played.  
**Reason – the prevention of public nuisance**
3. Regular monitoring of the perimeter of the premises is to take place by a responsible member of staff when entertainment is taking place. If noise from the club is audible outside of the building, immediate action is to be taken to reduce the volume such that noise from that entertainment is inaudible at the boundary of the premises.  
**Reason – the prevention of public nuisance**
4. Entry to the premises will be controlled by an electronic door entry system, excepting pre-planned functions and/or events. This system will be maintained in good working order at all times.  
**Reason – the prevention of public nuisance**

5. Use of the premises will be limited to club members and their bona-fide guests excepting pre-planned functions and/or events.  
**Reason – the prevention of public nuisance**
6. CCTV to operate within the premises and to cover all entrance/exit points together with any external areas utilised by customers. Images shall be stored for a minimum of 14 days and made available to an authorised officer of the Local Authority or Police Officer on reasonable request. The CCTV system shall be maintained in good working order and someone proficient in the operation of the system shall be on the premises at all times that licensable activities are carried out.  
**Reason – the prevention of public nuisance**
7. All staff are to receive on-going training in relation to licensing legislation and practises, the training to be kept in the form of documented records and made available to Police or Local Authority officers on request.  
**Reason – the prevention of public nuisance**
9. The Premises Licence Holder is to display signs both inside and outside the premises that discourage persons congregating immediately outside the premises and to respect neighbouring residents and their properties when leaving the premises.  
**Reason – the prevention of public nuisance**
10. The Licence Holder is to ensure that all staff are familiar with and operate a suitable proof of age scheme at the premises.  
**Reason – Protection of children from harm**
11. No live and recorded music shall be played outside the licensed premises  
**Reason – the prevention of public nuisance**

### **Informatives**

1. The Panel took due regard of the representations from the objectors,
2. The Applicant demonstrated a willingness to engage with local residents and has offered to supply them his email address and mobile telephone number. The Panel welcomes this approach and would encourage residents to regularly liaise with the Applicant and make him aware of any difficulties they are experiencing as a direct consequence of his business.

The Panel believes that the conditions it has imposed today are adequate and appropriate and will promote the licensing objectives.

The Decision Notice will be sent out in writing. If any Party, Applicant or Objector who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date given on the Decision Notice