

# LICENSING PANEL

**Date:** 3 July 2009

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

**Time:** 9:30am

**Present:** Councillors: -

Glenn Harwood (Chairman)  
Brian Northall

Anna Sauntson

## **PART A ITEMS**

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

#### **RESOLVED:**

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

### **2. DECLARATION OF INTERESTS**

No interests were declared.

### **3. MINUTES**

The minutes of the meetings held on 7 May and 18 June 2009 were approved and signed by the Chairman.

### **4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – LOUNGE ONE, 143 HIGH STREET, RUSHDEN**

The Panel considered an application for the variation of a Premises Licence for Lounge One, High Street, Rushden, under the Licensing Act 2003.

The application sought to extend the hours for all licensable activities from 02.00 to 04.00 on Friday and Saturday; until 04.00 hours on New Years Eve, where this was not a Friday or Saturday; until 04.00 hours on Sundays preceding a Bank Holiday, and for one extra hour on the day clocks moved forward to British Summer Time. The application also sought to include indoor sporting events as a licensable activity.

The statutory bodies had been consulted and representations had been received from the Police Licensing Unit, Rushden Town Council and 3 local residents about crime and disorder and public nuisance issues. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5).

The Licensing Officer reported that the Council's Environmental Protection Officer had initially made representations on noise nuisance grounds but had withdrawn her objections

after meeting with the applicants and agreed that the terrace area would not be used by patrons after 23.00 hours.

Mr John Birch, representing the applicants, spoke in support of the application. The variation for extra hours and the request to include indoor sporting events was a business decision to make the premises more profitable. He argued that the list of incidents reported by local residents and the Police should not be considered because no evidence had been produced to back them up and the Council had received no complaints from local residents about noise nuisance since February 2008. He mentioned that a meeting had taken place with the Police on 3 June to discuss various issues. The applicants would be prepared to work with the Police, Town Council and the Rushden Town Centre Partnership to resolve any issues and were working closely with the Council's Environmental Protection Officer to resolve noise issues caused by patrons smoking outside the premises. Mr Birch confirmed that, if the variation were granted, the applicants would be prepared to accept any reasonable additional conditions proposed by the Police.

Mr Jon Cowell and Mr Dudley Anible, for the applicants, also spoke in support of the application.

PC Kev Murphy, representing the Police Licensing Unit, spoke objecting to the application. He mentioned that the Police were supporting the objections made by local residents and went through the incidents on the Police Incident Log that had occurred at the premises during the past year. He mentioned that the meeting with the applicants on 3 June had been positive and indicated that they had been willing to have some additional conditions imposed on the Licence. However, he stated that the Police would be concerned about their ability to police the premises with their available resources if the extension of hours were granted, although he acknowledged that this should not be a reason to refuse the application.

The Panel welcomed the positive approach taken by both parties in an attempt to try and resolve some outstanding issues. At the Chairman's suggestion, the Panel agreed that the Hearing be adjourned to enable both parties to confer and suggest some additional conditions if the variation were granted.

When the Hearing reconvened, Mr Birch read out some proposed conditions regarding the use of plastic glasses and numbers of door staff, and PC Murphy confirmed his agreement with these.

The Panel then asked Mr Birch and PC Murphy a number of questions about their submissions and asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

**RESOLVED:**

That the application for the variation of a Premises Licence for Lounge One, High Street, Rushden, be granted with standard conditions and additional conditions imposed (see below).

The Chairman read out the following statement giving the reasons why the Panel had granted the application: -

"The Licensing Panel considered an application for the variation of a Premises Licence for Lounge One, High Street, Rushden, and took into account the Licensing Officers report,

representations both supporting and objecting to the application and other items of evidence presented. After careful consideration of the licensing objectives, East Northamptonshire Council's statement of licensing policy and guidance issued under Section 182 of the Licensing Act 2003, the Panel reached the following decision.

The variation of the Premises Licence be granted subject to the standard mandatory conditions imposed by the Licensing Act 2003 and with the following additional conditions:

1. CCTV to operate within the premises and to cover the outside patio area and any recordings taken shall be maintained for 21 days. The Premises Licence holder shall ensure that the DPS, or in his/her absence, a nominated member of staff is trained in methods of retrieval. Where evidence is requested from the CCTV by a Police Officer this shall be provided for viewing immediately on request and collection with 24 hours.  
**Reason – Prevention of crime and disorder.**
2. SIA registered door supervisors shall be employed on any day when the premises provides any form of regulated entertainment after 00:01 (12 midnight). The door supervisors shall be in place on each occasion from 21:00 hours.  
**Reason – Prevention of crime and disorder.**
3. This condition shall replace the existing additional condition on the current Premises Licence. No sound shall be allowed to emit from the premises so as to cause undue nuisance to occupants at nearby premises. Except for entrance and exit purposes, the doors and windows of the licensed premises must be kept closed at all times whilst entertainment is taking place.  
**Reason – Prevention of public nuisance.**
4. With immediate effect, the Licence Holder shall operate a "No Glass" policy (the non use of glass drinking vessels of any description) from 21:00 hours on Fridays and Saturdays. Only toughened plastic or polycarbonate vessels shall be used.  
**Reason – Prevention of crime and disorder.**
5. The Licence Holder shall, by 1 December 2009, have phased in and achieved a 100% no glass policy for every day of the week.  
**Reason – Prevention of crime and disorder.**
6. The Licence Holder shall ensure that no activities of any kind are undertaken on the terrace of the premises after 23:00 hours. The Licence Holder shall ensure that noise levels from patrons using the terrace is controlled to a reasonable level, in accordance with guidance issued by East Northamptonshire's Councils Environmental services department at all times.  
**Reason – Prevention of public nuisance.**
7. All bottles shall be decanted behind any bar within the premises. With the exception of the terrace, no alcoholic drink which has been supplied at the premises shall be consumed outside the licensed premises. The Licence Holder shall put in place immediately such measures that are necessary for this condition to be complied with. This is to include clear signage at exit points of the premises.  
**Reason – Prevention of crime and disorder.**
8. The Licence Holder shall remain a member of Pubwatch. The representative of the Licence Holder who attends local Pubwatch meetings shall ensure that Pubwatch information is reported back directly to the Licence Holder.  
**Reason – Prevention of crime and disorder and public nuisance.**

9. No persons to be allowed entry to the premises after 02:30 hours. This admission policy shall apply to initial entry, allowing persons who have been previously admitted to leave the premises for a short time. The Licence Holder shall ensure the appropriate measures are taken to prevent this condition being breached.

**Reason – Prevention of crime and disorder.**

The Panel wished to thank supporters and objectors of this application for their candidness during the Hearing. The Panel were encouraged to hear about the present consultations and co-operation between the Applicant, Police, Local Authority Licensing Department and Environmental Protection Officers.

The Panel also strongly encourages the Applicant to engage with the Rushden Town Centre Partnership.

Whilst the Panel took full regard of the Police and public objections, it considered that there was insufficient factual evidence provided which would enable the Panel to attach any significant weight to them.

The Panel noted the comments made by the Police Licensing Officer and applicant about the excellent working relationship that has been established between them. Although this was welcomed and to be encouraged, the Panel wished to stress the importance of complying fully with all measures imposed by it today because they are in the interests of local residents.”

The Chairman mentioned that the Panel’s decision would be sent in writing to all parties within 21 days, and that they also had the right of appeal to the Magistrates Court within 21 days if they wished to appeal against the Panel’s decision.

**Chairman**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – LOUNGE ONE, HIGH STREET, RUSHDEN**

The representations received had been analysed by the Licensing Officer and extracts placed under the relevant licensing objectives:-

**Crime and Disorder**

Police

A list of 23 incidents over the preceding 12 months detailing calls to the Police regarding crime or disorder at the premises...."It is the opinion of Northamptonshire Police that any extension of hours granted for this venue will increase the likelihood of crime and disorder occurring".

**Public Nuisance**

Rushden Town Council

"The Town Council feels that closing at 4am is too late....on the grounds of public nuisance"

Local Residents

"We have experienced noise problems from Lounge One on many occasions comprising of loud music and excessive people noise..."

"....extension to opening hours will have a detrimental effect on peace and quiet entitled by surrounding residences..."

"..we are aware that currently problems continue in the High Street... as people hang around causing anti social behaviour..."

# LICENSING PANEL

**Date:** 17 July 2009

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

**Time:** 9:30am

**Present:** Councillors: -

**Richard Gell**  
**Brian Northall (Chairman)**

**Ron Silver**

## **PART A ITEMS**

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

#### **RESOLVED:**

That Councillor Brian Northall be appointed Chairman for this Hearing.

### **2. DECLARATION OF INTERESTS**

No interests were declared.

### **3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE COURTYARD LUXURY LODGE, WEST STREET, STANWICK**

The Panel considered an application for the variation of a Premises Licence for The Courtyard Luxury Lodge, West Street, Stanwick, under the Licensing Act 2003.

The application sought to extend the licensed area to encompass the whole property, to include the restaurant extension and existing marquee; to add 'anything similar to music and performances of dance' to the list of regulated entertainment; and to remove a condition on the existing Licence regarding outside music so this could continue until midnight (currently until 23.00hours). The applicants were also seeking to vary the number of persons permitted on the premises from 100 to 250.

The statutory bodies had been consulted and representations had been received from the Fire Authority, Stanwick Parish Council, the District Council's Environmental Protection Manager and 4 local residents about public safety and public nuisance issues. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5).

The Licensing Officer submitted a letter from the Fire Authority stating that it would withdraw its objections subject to the necessary improvements being made to the fire exits. The Panel noted that this work had now been undertaken.

Mr and Mrs Bates, the applicants, spoke in support of their application. They acknowledged that noise from amplified music played during events held at the premises in the past had

been a problem for local residents. They had recently taken steps to resolve the issues raised by the objectors and were working closely with the Council's Environmental Protection Manager, Mr Hale, to overcome these. During the summer, events were mainly held in an outdoor marquee and improvements had been undertaken to contain noise from events held inside; a sound limiter had been installed; soundproofing material had been fitted to the inside; and it was intended to move it further away from nearby residential properties. A planning application had been submitted recently to the Council for permission to build a permanent structure to replace the marquee and if approved, this should solve the noise nuisance issues.

Mr Darren Hale, Environmental Protection Manager, representing the Council's Environmental Health Section, spoke objecting to the application. He stated that the Council was supporting the objections made by local residents and confirmed that a Noise Abatement Notice had been served on the owners in May 2009 following complaints witnessed by an officer at a property near the premises. He confirmed the work undertaken by the applicants recently to reduce noise from the marquee but stated that the only satisfactory solution would be the construction of the proposed building for events.

Stanwick Parish Councillor Roger Dainty spoke objecting to the application and mentioned the complaints that he had received from local residents about noise from the premises. Mr Andrew Selbie, a local resident, whose property adjoined the premises, also spoke objecting to the application and reiterated his complaints about noise nuisance caused by loud music from the premises, especially during the summer. He stated that he and his family often left their property over the weekend in the summer to escape the noise.

The Panel asked Mr and Mrs Bates and Mr Hale a number of questions about their submissions and then asked Mr and Mrs Bates to sum up their case.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

#### **RESOLVED:**

That the application for the variation of a Premises Licence for The Courtyard Luxury Lodge, West Street, Stanwick, be refused.

The Chairman read out the following statement giving the reasons why the Panel had refused the application: -

"The Licensing Panel considered an application for the variation of a Premises Licence for The Courtyard Luxury Lodge, West Street, Stanwick and took into account the Licensing Officer's report, Environmental Protection Officer's report, and representations objecting to the application and other evidence presented. After careful consideration of the licensing objectives, East Northamptonshire Council's statement of licensing policy and guidance issued under Section 182 of the Licensing Act 2003, the Panel decided to refuse the application for the following reasons.

The Panel considered whether it was likely that the application to vary the current licence would prejudice the licensing objectives for public nuisance and public safety.

#### **Public Safety**

With regard to the licensing objective of public safety, the Panel was satisfied that the applicants had arrived at a satisfactory agreement with Northamptonshire Fire and Rescue

Service with regard to the concerns that had been raised about the increased number of persons attending the premises regarding adequate fire escapes. The Panel were given a copy of a letter from the Fire and Rescue Service confirming steps had been taken to satisfy it.

The Panel heard representations about the current parking issues in the locality and concluded that an increase in the number of persons permitted on the premises from 100 to 250 would inevitably increase the risk to public safety caused by patrons' vehicles being parked in unsuitable or dangerous positions in the locality. The Panel considered that no conditions could be imposed to resolve this issue.

### **Public Nuisance**

The Panel concluded that if the application to vary was granted, the licensing objective to prevent public nuisance would not be achieved and this was founded on the following evidence:

- (a) Evidence from local residents The Panel considered representations in writing from a number of local residents and heard evidence from Mr Selbie at the Hearing. The Panel considered that local residents had suffered from noise nuisance arising from regulated entertainment which had taken place under the current licence conditions. Mr Selbie gave evidence that even with the windows of his property being closed, the noise from the premises caused him distress. He also gave evidence that, as a result of the noise disturbance, his family were affected and that the family home was regularly vacated at weekends in order to avoid further nuisance.

The evidence of Mr Selbie, supported by other objectors, was that regulated entertainments had quite often taken place beyond the permitted 23:00 hours and that noise nuisance had gone beyond midnight on many occasions.

As a result of the representations of local residents, the Panel found it was likely that the extension of hours sought under the variation and the other aspects of the application would cause noise nuisance to local residents in the future.

- (b) Evidence from Environmental Protection The Panel heard evidence from Mr Darren Hale, East Northamptonshire Council's Environmental Protection Manager, and was mindful that regulated entertainment had been taking place and would continue to take place from a marquee structure. The Panel heard evidence from the applicants that sound mitigation measures were proposed for the marquee but was not satisfied that such measures, having regard to the nature of the structure, would provide a sufficient guarantee that noise nuisance would not continue, especially having regard to the later hours that were proposed and the evidence from Mr Hale that noise nuisance was more likely to arise during the later hours. From Mr Hale's evidence the Panel was not assured that any conditions could be imposed which could resolve this issue."

The Chairman mentioned that the Panel's decision would be sent in writing to all parties within 21 days, and that they also had the right of appeal to the Magistrates Court within 21 days if they wished to appeal against the Panel's decision.

**Chairman**



**APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE – COURTYARD,  
LUXURY LODGE, WEST STREET, STANWICK**

The representations received had been analysed by the Licensing Officer and extracts placed under the relevant licensing objectives:-

**Public Safety**

(a) Stanwick Parish Council

“To allow a larger capacity in the marquee an additional fire exit should be installed.”

**Public Nuisance**

(a) Stanwick Parish Council

“Parish Councillors have received complaints from nearby residents regarding noise nuisance”

(b) Environmental Protection Manager

“We have received complaints from a number of local residents concerning noise from events held in the marquee from amplified music...there are still some concerns as to the applicants ability to minimise noise particularly when they are not present and the site is managed by someone else.”

(c) Local Residents

“The Courtyard already has an Abatement Notice in force because of very loud music which was being played after midnight on the occasions when they had discos’ and weddings etc.”  
“We are still hearing noise from Courtyard... not so loud as before but still loud”  
“This establishment is already the source of significant public nuisance with the playing of very loud music...to extend the licence will only compound the problem”  
“..they have proven on many occasions to be a major public noise nuisance to ours and neighbouring properties, regularly exceeding the restriction by up to 3 hours”