

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 25 September 2014

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9.30 am

Present: Councillors: Pauline Bradberry JP  
Richard Gell  
Bob Nightingale

## Also present:

Julia Smith  
(Health Protection Manager)  
Rita Groves  
(Licensing Enforcement Officer)  
Chloe Mappedoram  
(Environmental Protection Officer)  
Holly Rainbow and Colleague

Mr & Mrs S Porter  
Mr & Mrs Gray  
Jan Baines

Mebs Kassam  
Barbara Wiggins

## Representing

East Northamptonshire Council

East Northamptonshire Council

East Northamptonshire Council

Representing the Designated Premises  
Supervisor (DPS)  
Representatives  
Representatives  
Representative

Legal Advisor to the Panel  
Democratic Services Officer

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Richard Gell be appointed Chairman of the Panel for this hearing.

## 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 3. DECLARATIONS OF INTEREST

No declarations of interest were noted.

## 4. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR THE HARE & HOUNDS, MAIN STREET, GREAT ADDINGTON, NN14 4BJ

The Health Protection Manager reported on an application for a variation of the premises licence for the Hare & Hounds, Main Street, Great Addington, NN14 4BJ under the Licensing Act 2003.

The matters for which a variation to the premises licence was sought were detailed below. The figures noted in blue were the current licensing hours.

### **Licensable Activities**

#### **Recorded Music (Indoors and Outdoors)**

Mon – Friday 09:00 – 00:00 11:00 – 23:00  
Friday – Saturday 09:00 – 01:00 11:00 – 23:00  
Sunday 12:00 – 23:00 12:00 – 22:30

Seasonal Variations

New Years Eve 02:00

#### **Late Night Refreshment**

Monday to Saturday 23:00 – 00:00

#### **Supply of Alcohol**

Monday – Thursday 11:00 – 00:00 11:00 – 23:00  
Friday & Saturday 11:00 – 01:00 11:00 – 23:00  
Sunday 12:00 – 23:00 11:00 – 22:30

Seasonal Variations

Bank Holiday Weekends Friday - Monday 11:00 – 02:00

Christmas Eve 11:00 – 02:00

#### **Non Licensable activity**

Opening hours

Monday – Thursday 08:45 – 00:00

Friday & Saturday 08:45 – 01:00

Sunday 09:00 – 23:00

Members noted that an application to vary the licence at the premises had been received on 7 August 2014. The appropriate Blue Notice had been displayed during the required consultation period and as a result of the consultation, representations had been received from:

- East Northamptonshire Council's Licensing Enforcement Officer,
- East Northamptonshire Council's Environmental Protection Officer, and
- Members of the public

The representation received from the Licensing Enforcement Officer related to public nuisance based on noise issues witnessed from the premises and non-compliance with the premises licence.

The representation received from Environmental Protection detailed a history of noise issues, which were noted by the Panel.

The representations received from the public detailed issues they had had from the premises with respect to noise, crime and disorder, public safety and protection of children from harm including:

- Increase in noise concerns since June 2014
- Regular disturbance by noise
- Abuse from patrons
- Failed communication with the premises

### **Evidence from Applicant's representative Ms Holly Rainbow**

Ms Holly Rainbow attended the Panel along with a colleague. Ms Rainbow advised that she had 10 years' experience in the trade, in this country and abroad. She had only recently been employed by the Hare & Hounds and she was aware of the difficulties which had been experienced of late. Ms Rainbow stated that the aim of the business was not just to provide food and drink but also hold village events and to do that successfully the business required parity with other licensed premises in the area and have the same licensing hours.

Following a question from the Panel Ms Rainbow noted the Licensing Objectives.

Ms Rainbow noted that under her management, every effort would be made to keep noise levels under control and to adhere to the Licensing Objectives.

Following a question from the Panel, Ms Rainbow provided some background to the arrangements for running the premises. Ms Rainbow noted that she was adding new procedures into the management of the business. Conditions with regard to environmental protection had been taken on board and staff on duty regularly patrolled the perimeter of the premises to check noise levels. A meeting with acoustic consultants would be arranged to discuss sound proofing.

### **Questions to the Applicant**

Following a question from Mrs Porter, Ms Rainbow confirmed that she had taken on new staff who would be trained to adhere to the licensing objectives and licensing hours.

### **Evidence from representative Mrs Jill Porter**

Mrs Porter stated that she was of the opinion that additional hours were not necessary. Mrs Porter explained her home circumstances. Mrs Porter noted that the Pub was small and therefore events often spilled to outside the premises which made the noise issues worse. There had not been problems at the premises until a few months previous.

### **Evidence from representative Mrs Jan Baines**

Mrs Baines advised that it was with a heavy heart that she had made her observations about the proposed increase in licensing hours. She noted that, when the music was playing, it was similar to being in the Pub itself and intruded on her, and her family's, personal life. Mrs Baines had no objection to live or recorded music, she just didn't want it in her home. Mrs Baines noted that village life had been made difficult following the application for longer opening hours.

### **Evidence from representative Mrs Gray**

Mrs Gray confirmed that she had provided a diary of disturbance to Environmental Services. Her family were regularly disturbed by noise from the Pub. Incidents had been logged with the Police in the past and Mrs Gray did not agree with an extension of the licensing hours applied for. Mrs Gray was concerned that the Licence Holder would not follow any new conditions on the licence.

### **Evidence from representative Mrs Rita Groves**

Rita Groves, Licensing Enforcement Officer, noted that two anonymous complaints had been received regarding noise from the Hare and Hounds taking place after closing time. Mrs Groves had visited the premises and had spoken to the Director and Licence Holder of the

Hare and Hounds, Rob Blackburn.

It appeared that the noise was caused by customers who had held a wedding at the premises and that the Licence Holder had been under the impression that it was a private party and that the licensable hours did not apply.

Mrs Groves explained to Mr Blackburn that in future, such events would need a Temporary Event Notice or that the hours of the Premises Licence would need to be varied. The following day a variation application was received.

Whilst working on the evening of 16 August 2014, Mrs Groves drove to the Hare and Hounds three times, as the premises had a Temporary Event Notice for an event that evening, with all licensable activities ceasing at 0200 on 17 August. However, at 02:35 whilst parked outside the premises, Mrs Groves could clearly hear loud voices and the lyrics of songs being played on the jukebox. Mrs Groves walked to the nearest dwelling in Main Street to the Hare and Hounds and observed that occupants would be able to hear the lyrics.

Mrs Groves confirmed that there was an ongoing complaint regarding the Hare and Hounds.

Mrs Groves also confirmed that Northamptonshire Police had been in touch regarding an incident in the vicinity the previous week.

#### **Evidence from representative Ms Chloe Mappedoram**

Chloe Mappedoram, Environmental Protection Officer, advised that 10 noise complaints associated with the Hare and Hounds had been received in the past 5 years. Previous complaints had mainly related to noise from loud music and noise from patrons using the smoking shelter. However, people had not been willing to make a formal complaint but the number of complaints received indicated that there was an issue with noise from the premises. Environmental Protection have one open noise nuisance complaint which is ongoing and is being dealt with by another Environmental Protection Officer.

Ms Mappedoram noted that she would not support the extension of opening hours or regulated entertainment without further conditions to be added to the licence. She asked that two amendments could be made to the previously submitted proposed conditions. She also made a suggestion that the music be reduced to background level half an hour prior to closing time.

- All doors and windows to be kept closed during times when regulated entertainment was taking place
- The Premises Licence Holder must engage with Environmental Protection to agree and implement measures to their satisfaction so as to prevent noise nuisance. A noise management plan to be developed detailing how noise from the premises would be controlled. This would include noise from regulated entertainment, patrons using the outside area and patrons leaving the premises, and
- Noise from regulated entertainment emanating from the premises shall not be audible at the boundary of any adjacent dwelling so as not to cause a statutory noise nuisance

A brief closing statement was made by Ms Rainbow where she confirmed that she wanted the village to be able to enjoy the Pub's facilities and not cause noise nuisance to the neighbours.

*At 10.30am the Panel adjourned to make their decision.*

*The Panel returned at 12.35pm to announce their decision*

**RESOLVED:**

The Licensing Panel has considered this application for a variation of the Premises Licence for The Hare and Hounds, Main Road, Great Addington and has taken into account the Licensing Enforcement Officers report, Environmental Protection Officer's report, representations from the applicant, and also considered written statements in support of the above premises, and all relevant representations evidence and documents submitted at the hearing. The Panel did not consider the late submissions.

The Panel carefully deliberated and considered the licensing objectives, ENC's Statement of Licensing Policy; Guidance issued under Section 182 of the Licensing Act 2003 and also considered the Live Music Act 2012. The main consideration was the licensing objectives relating to public nuisance.

**Public Nuisance**

1. Evidence from the Designated Premises Supervisor The Panel heard direct evidence from Holly Rainbow representing the Licencees of The Hare and Hounds.
2. Evidence from local resident The Panel heard direct evidence from local resident Mrs Porter at the hearing.
3. Evidence from local resident The Panel heard direct evidence from local resident Mrs Gray at the hearing.
4. Evidence from local resident The Panel heard direct evidence from local resident Mrs Baines at the hearing.
5. Evidence from ENC's Licensing Enforcement Officer The Panel heard direct evidence from Rita Groves ENC's Licensing Enforcement Officer.

5. Evidence from ENC's Environmental Protection Officer The Panel heard direct evidence from Chloe Mappedoram, ENC's Environmental Protection Officer

The Panel considered written representations from local residents.

The weight of evidence provided in the representations from objectors convinced the Panel there is already a noise issue in the immediate vicinity of the subject premises. The Panels view is that extending the current hours of licensable activities as had been requested would only exacerbate those problems.

The Licensing Panel having considered all the above, and also the fact that the premises is located in a predominately residential area, are of the unanimous view that on a balance of probability the Hare and Hounds is not promoting the licensing objective of preventing public nuisance. The Panel felt that as a consequence of the above that it would be unreasonable and inappropriate to agree the requested extended hours applied for and so grants the following licensing hours, plus the additional conditions listed below

The Panel does however recognise that some of the current permitted hours are earlier than in many other similar establishments. With that in mind, the Panel has decided to extend a number of the licensable activities as shown below

### **Licensable Activities**

#### **Recorded Music Indoors**

Monday – Thursday 11:00am to 11:00pm

Friday and Saturday 11:00am to midnight

Sunday to 12:00 noon to 10:30pm

#### **Seasonal variations**

Christmas Eve and Boxing Day 11:00am to midnight

New Year Eve to 11:00am to 2:00 am

The Panel decided **not to grant** the variation to allow recorded or live music outdoors to prevent public nuisance.

### **Late Night Refreshment**

Monday to Thursday – to 11:00pm

Friday and Saturday – to midnight

### **Supply of Alcohol**

Monday to Thursday – 11:00am to 11:00pm

Friday and Saturday – 11:00am to 11:30pm

Sunday – 12 noon to 10:30pm

### **Seasonal variations**

Bank Holiday weekends Friday to Monday 11:00am to 01:00am

Christmas Eve and Boxing Day 11:00am to 01:00am

New Year Eve to 11:00am to 01:00am

### **Non Licensable Activity Opening Hours**

Monday to Thursday 08:45am to 11:30pm

Friday and Saturday 08:45am to midnight

Sunday 09:00am to 11:00pm

### **Seasonal variations**

Bank Holiday weekends Friday to Monday 11:00am to 01:00am

Christmas Eve and Boxing Day 11:00am to 01:00am

New Year Eve to 11:00am to 01:00am

For any activities not covered by these variations a TENS licence can be applied for.

The Panel imposes the following additional conditions:-

### **Additional Conditions**

1. The Licence Holder is to ensure that whenever any form of music whether recorded or live is taking place; all doors and windows are to remain closed to mitigate the noise nuisance effect.

2. The Premises Licence Holder must engage with an acoustic consultant to assess the building and suggest noise control measures and carry out any measures suggested.
3. A noise management plan is developed detailing how noise from the premises is to be controlled. This should include noise from regulated entertainment, patrons using the outside area and patrons leaving the premises.
4. Noise from regulated entertainment emanating from the premises shall not be audible at the boundary of any adjacent dwelling so as not to cause a noise nuisance.
5. The Licence Holder is to provide signage at all exits of the premises to remind Patrons to leave in an orderly manner and have respect for nearby residents.
6. The Licence Holder is to take appropriate and necessary action to ensure noise levels from patron's using the outdoor areas shall not exceed levels acceptable to the Environmental Protection Officers.

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, and the modification of the licence conditions do not take effect until expiry of the 21 day period

**Chairman**