

# LICENSING PANEL

**Date:** 26 June 2009

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

**Time:** 9:30am

**Present:** Councillors: -

Glenn Harwood (Chairman)  
Andy Mercer

Gill Mercer

## 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 meeting held on 16 April 2009 were approved and signed by the Chairman.

### 4. APPLICATION FOR A PREMISES LICENCE FOR IRTHLINGBOROUGH TOWN BAND CLUB, IRTHLINGBOROUGH

The Panel considered an application for a Premises Licence for Irthlingborough Town Band Club, under the Licensing Act 2003. The following times were requested (where applicable, the current times for Club activities permitted under the Club Premises Certificate are shown in brackets):

- Films: 11.00 – 00.00 hours (20.00 – 23.00 hours)
- Indoor sporting events: 11.00 – 00.00 hours (20.00 – 22.30 hours)
- Boxing or wrestling entertainment: 11.00 – 00.00 hours
- Live music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Recorded music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Performance of dance: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Making of music: 11.00 – 01.00 hours
- Dancing: 11.00 – 01.00 hours
- Supply of alcohol: 11.00 – 01.00 hours (11.00 – 00.00 hours)

Extra hours were requested 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).

The statutory bodies had been consulted and representations had been received from the Police Licensing Unit and 3 local residents about public nuisance issues. The Police had recommended that extra conditions be imposed on the Licence if approved. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5).

Mr Stephen West, the Club's President, spoke in support of the application. The Club provided an important social facility for the local community and had applied for the Licence because they wished to hold events where members of the public could attend. These events would also bring in much needed income for the Club and he stressed that they would be held only 4 or 5 times a year, finishing at 11pm. Mr West confirmed that the Club would be prepared to keep the existing hours of opening as indicated on their Premises Certificate if the Licence was granted and would accept the extra conditions proposed by the Police.

Mr Philip Hullat, a member of the Club, also spoke in support of the application.

PC Andy Glover, representing the Police Licensing Unit, spoke objecting to the application. The Police had objected because of a couple of public order incidents outside the Club in 2008 and were supporting a number of local residents objecting to the application. He also mentioned an incident outside the Club earlier in June when the Police had been called to deal with a disturbance at the premises. He asked that the application be refused but if granted, he requested that the extra conditions suggested by the Police be imposed on the Licence.

The Panel asked Mr West and PC Glover 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 a Premises Licence from Irthlingborough Town Band Club be granted, subject to additional conditions. (See below)

The Chairman read out the following statement giving the reasons why the Panel had granted the Licence with additional conditions: -

"The Licensing Panel considered an application for a Premises Licence for the Irthlingborough Town Band Club 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.

A Premises Licence be granted subject to the mandatory conditions as imposed by the Licensing Act 2003, with the licensing hours and licensable activities of the Licence being identical to those of the existing Club Premises Certificate. During the Hearing the applicant confirmed their consent to those timings and also confirmed that they had no objection to the conditions suggested by the Police and the following additional conditions be imposed:

1. There shall be a strict no glass policy on Friday and Saturday from 18:00 until closing. A no glass policy shall be operated whenever regulated entertainment takes

place.

Only toughened plastic or polycarbonate vessels shall be used at these times. All bottles are to be decanted behind the bar.

**Reasons – Prevention of crime and disorder and public safety.**

2. A 100% no glass policy at all times shall be introduced before 1 July 2010.

**Reasons – Prevention of crime and disorder and public safety.**

3. The Licence Holder to ensure that no open container or vessel of alcoholic beverage of any description shall be taken beyond the curtilage of the licensed premises. The Licence Holder shall take appropriate action to prevent drinking outside the licensed premises and include signage to that effect.

**Reasons – Prevention of crime and disorder and prevention of public nuisance.**

4. The Licensee shall have installed and properly maintained in working order at all times a CCTV system. In particular this system shall hold images for at least 30 days and cover all areas to which the public have access including all bar areas, drinking areas and entrances/exits. In addition, staff shall be trained in its operation; images shall be made immediately available from the system to a police officer on request; and real time images of CCTV coverage shall be on view to a member of staff at all times during hours of opening.

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

5. With immediate effect, the Licence Holder shall adopt and maintain the Challenge 21 Scheme. The Licence Holder shall ensure that all members of staff are trained in this Scheme.

**Reasons – Protection of children from harm and prevention of public nuisance.**

6. The Licence Holder shall have in place by 1 January 2010 a Security Industry Association registered Door Supervisor from 18:00 hours until closing on a Friday and Saturday night and at all times when regulated entertainment is taking place. Door Supervisors shall be required to check the identity of any person not looking over 21. Details of any person refused entry shall be recorded in an incident book.

**Reasons – Protection of children from harm and prevention of crime and disorder.**

7. The Licensee shall ensure that all staff are either trained, or under the supervision of someone who was trained, to ensure that the requirements of the Licensing Act 2003 and the four licensing objectives were complied with.

**Reason – The four licensing objectives.**

8. The Licensee shall ensure they remain a member of the Pub Watch Scheme and that a representative of the Licensee should attend local Pub Watch meetings.

**Reason - Prevention of crime and disorder**

9. The Licensee shall ensure that the main entrance to the premises is locked and secured immediately the licensable activities cease.

**Reason - Prevention of crime and disorder**

10. The Licensee shall ensure that no member of the bar staff consumes alcohol during their on duty hours.

**Reason - Prevention of crime and disorder**

The Panel noted the concerns expressed by the Police Licensing Officer and the evidence of unwelcome activities undertaken by young people. The Panel wished to emphasise to the

Licence Holder the importance of taking the responsibilities of a designated premises supervisor very seriously. The Panel advised the Licence Holder that failure to ensure the four licensing objectives were fully complied with could result in a full review of the Premises License.”

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

**Chairman**

**APPLICATION FOR A PREMISES LICENCE FOR IRTHLINGBOROUGH TOWN BAND CLUB, IRTHLINGBOROUGH**

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

**Preventing Crime**

(a) Police

The representation from the Police referred to a number of incidents involving crime and disorder linked to the Club and recommended a number of conditions. This representation referred to:

“ a fight at the premises involving youths exiting the Club.” “Since that time, in both March and April 2009, Northamptonshire Police have received further calls from local residents complaining about underage drinking/drunkenness associated with the Club”.

**Public Nuisance**

(a) Local Residents

The representations from the public all referred 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”.

# 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..."