

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 30 September 2015

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10 am

Present: Councillors: Richard Gell
Glenvil Greenwood-Smith
Barbara Jenney

Also present:

Jenny Walker
(Interim Health Protection Manager)

Rita Groves
(Licensing Enforcement Officer)

Ms Debra Harper (Town Clerk)
Councillor Paul King (Mayor of Oundle)

Mr Helmut Cartwright

Mebs Kassam

Louise Tyers

James McLaughlin

Representing

East Northamptonshire Council

East Northamptonshire Council

Oundle Town Council

Oundle Town Council

Representative

Legal Advisor to the Panel

Democratic Services Officer

Democratic and Electoral Services Manager

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenvil Greenwood-Smith be appointed Chairman of the Panel for this hearing.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR A NEW PREMISES LICENCE AT FLETTON HOUSE, GLAPTHORN ROAD, OUNDLE, PE8 4JA

The Interim Health Protection Manager reported on an application for a new Premises Licence for Fletton House, Glapthorn Road, Oundle, PE8 4JA under the Licensing Act 2003. The application had been received on 14 August 2015 and the appropriate notices had been displayed and advertisements placed as required.

The matters for which a premises licence was sought were:

Supply of Alcohol

Monday to Sunday 08:00 – 23:30 (for sales on the premises)

Performance of Dance

Monday to Sunday 08:00 – 23:00 (indoors)

Films

Monday to Sunday 08:00 – 23:00 (indoors)

Live Music

Monday to Sunday 08:00 – 23:00 (indoors)

Plays

Monday to Sunday 08:00 – 23:00 (indoors)

Recorded Music

Monday to Sunday 08:00 – 23:00 (indoors)

Opening Hours

Monday to Sunday 08:00 – 00:00

Five members of the public had made representations detailing problems experienced with respect to crime and disorder in the area. Residents were concerned that many elderly and vulnerable adults lived close to Fletton House. Residents also seemed concerned that the Mayor of Oundle, in a statement published on the Oundle Town Council website, had indicated that Fletton House's opening times would differ to what was being applied for.

Evidence from the Applicant

Ms Debra Harper, Town Clerk to Oundle Town Council, attended the hearing and spoke on behalf of the Applicant. Ms Harper advised that the Town Council had refurbished Fletton House to enable it to become a community facility in the town. The proposed closing times were consistent with Queen Victoria House, another of the Council's buildings. She stated that an employee would always be on site when the building was in use. The Police would also be sharing the building. She reiterated that Fletton House was a community facility and not a public house.

Councillor Paul King, Mayor of Oundle, made a statement in support of the application.

Questions to the Applicant

In response to questions from the Panel, Ms Harper explained what each of the rooms in the building would be used for. She explained that The Hub could cater for around 30/40 people. She confirmed that access to The Studio was through a separate entrance and not through the building. In respect of parking, Ms Harper confirmed that the building had its own parking facilities at the rear of the building.

Evidence from Mr Helmut Cartwright

Mr Cartwright confirmed that he was making representations on behalf of himself and his neighbours. He explained that in accordance with the Guidance conditions must be tailored to each application, be consistent with the operating schedule and must show the reality of the situation. The hours detailed in the operating schedule did not relate to reality and the

Mayor's message on the Council's website should be seen as the true operating schedule and therefore late hours were not needed. Mr Cartwright had submitted an alternative proposal in which he recommended that appropriate hours for Monday to Saturday would be 11am to 10.50pm (with an additional 10 minutes drinking up time) with no alcohol available for sale on Sundays.

The Panel had no questions for Mr Cartwright.

At 10.30am the Panel adjourned to make their decision.

The Panel reconvened at 11.27am to announce their decision.

RESOLVED:

The Licensing Panel has considered this application for a new Premises Licence for Fletton House, Glaphorn Road, Oundle and has taken into account the Licensing Enforcement Officer's report and all relevant representations and documents submitted.

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, the Panel has reached a decision.

The Panel has unanimously decided to **grant** the premises licence as follows:

Supply of Alcohol

Monday to Sunday from 08:00 hours to 23:30 hours. (For sales on the premises)

Performance of Dance

Monday to Sunday from 08:00 hours to 23:00 hours. (Indoors)

Films

Monday to Sunday from 08:00 hours to 23:00 hours. (Indoors)

Live Music

Monday to Sunday from 08:00 hours to 23:00 hours. (Indoors)

Plays

Monday to Sunday from 08:00 hours to 23:00 hours. (Indoors)

Recorded Music

Monday to Sunday from 08:00 hours to 23:00 hours. (Indoors)

Opening Hours

Monday to Sunday from 08:00 hours to 00:00 hours (midnight).

and in accordance with the operating schedule.

The reasons for the decision are as follows:-

1. The applicant provided comfort to the Panel that the premises is community based and that it will be well supervised, which will promote the licensing objectives.
2. The Panel noted that there will be an employee present at the premises at all times when licensable activities are taking place, which will promote the licensing objectives.
3. The Panel had seen no reason not to grant the licence as applied for as no objections raised caused the Panel concern in terms of the licensing objectives.

The Panel received legal advice in terms of:

1. The Licensing Objectives
2. The options available to the Panel
3. The legal test to be applied

The Panel considered the representations of the objector in person and on behalf of his neighbours, particularly the estoppel point. The Panel would like to state that the decision made is commensurate with the licensing objectives which, in their view, are proportionate and relevant.

The Objectors are reminded that should the premises be a cause for concern once this licence is granted then they may consult the Licensing Department with a view to a review of the license.

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.

Chairman