

# LICENSING PANEL

**Date:** 21 December 2009

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

**Time:** 2:00pm

**Present:** Councillors: -

Richard Gell  
Gill Mercer

Brian Northall (Chairman)

## **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. MINUTES**

The Minutes of the meeting held on 17 July 2009 were approved and signed by the Chairman.

### **4. APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE – THE AXE AND COMPASS, CARLOW ROAD, RINGSTEAD**

The Panel considered an application for the variation of the Premises Licence for the Axe and Compass, Carlow Road, Ringstead, under the Licensing Act 2003.

The application sought to extend permitted hours for sale of alcohol; to add live and recorded music; anything similar to live/recorded music; making music; dancing and anything similar to these to the list of regulated entertainment. The timings being requested were: -

(i) Sale of alcohol - 11:00 to 00:00 (Monday to Thursday); 11:00 to 01:00 (Friday and Saturday); and 12:00 to 23:30 (Sunday). Non standard timings - 7 November extra two hours at end of day; 4 December extra two hours at end of day; Friday, Saturday, Sunday and Monday every Bank Holiday an extra hour at end of day; Christmas Eve an extra hour at end of day; and New Years Eve an extra 4 hours at end of day.

(ii) Live Music (indoors only) - 18:00 to 23:00 (Monday to Thursday); 18:00 to 00:00 (Friday and Saturday); and 18:00 to 23:00 (Sunday).

(iii) Recorded Music - 12:00 to 23:30 (Monday to Thursday); 12:00 to 00:00 (Friday and Saturday); and 12:00 to 23:00 (Sunday). Christmas Eve an extra 2 hours at end of day; and New Years Eve an extra 4 hours at end of day.

(iv) Anything similar to above and facilities for making music/dancing - 18:00 to 23:00 (Sunday to Thursday); and 18:00 to 00:00 (Friday and Saturday). Christmas Eve an extra 2 hours at end of day; and New Years Eve an extra 4 hours at end of day.

(v) Late Night Refreshment - 23:00 to 23:30 (Monday to Thursday); and 23:00 to 00:00 (Friday and Saturday).

The statutory bodies had been consulted and representations were received from Ringstead Parish Council and a local resident about public nuisance issues. (The representations have been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 4).

A representation from Darren Hale, the District Council's Environmental Protection Manager, had been withdrawn following discussions with the applicant and a proposed additional condition agreed with the applicant was submitted for consideration:

"All doors and windows of the premises shall remain closed when live or amplified music is being played."

Mr Darren Boyle, the applicant, spoke in support of his application. The premises was well known locally for its food and he had requested the variation to enable him to hold events throughout the year. All entertainment events would be held indoors in the bar area. He would comply with the proposed extra condition and was aware of his responsibilities to nearby residents regarding noise. He requested that the Panel grant the variations as detailed on the application.

The Panel asked Mr Boyle a number of questions about the proposed variations and the reasons for the application.

After considering the submitted report and the representations made at the Hearing from Mr Boyle, 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 Axe and Compass, Carlow Road, Ringstead, be granted with existing conditions and with an additional condition detailed below.

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

"The variation of the Premises Licence was determined after considering the submitted reports, representations and evidence presented from all interested parties and bearing in mind the Licensing Objectives, in particular prevention of public nuisance, the Panel has agreed to grant the application to vary the Licence as per the application with the exception of the limitation and with the imposition of an additional condition as referred to below.

**New Years Eve**

Supply of Alcohol until 2 hours extra at the end of the day.

Recorded music or anything similar until 2 hours extra at the end of the day.

**Reason** - this restriction is to prevent public nuisance in relation to the location of the premises in a predominately residential area.

**The following additional condition shall be imposed:**

All doors and windows of the premises shall remain closed when live or amplified music is being played.

**Reason** - this condition is to meet the Licensing objective of Prevention of Public Nuisance (reference East Northamptonshire Council's licensing policy paragraph 5.2.). It was also noted that the additional condition had been agreed between the applicant and the East Northamptonshire Council's Environmental Protection Manager and apply to the area(s) of the premises subject to the variation application.

All conditions on the existing Premises License shall remain unchanged.

The Applicant has the Right of Appeal, within 21 days from receipt of the Decision Notice. This decision becomes effective 21 days after receipt of the Notice by the applicant, or alternatively on the date when any appeal is finally determined. Notice of this Decision will be sent in writing to the applicant within 21 days."

**Chairman**

**APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE – THE AXE AND  
COMPASS, CARLOW ROAD, RINGSTEAD**

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

**Public Nuisance**

(i) Ringstead Parish Council

“The Parish Council feels that no Licence should extend beyond midnight... The Public House is close to many residences...”

(ii) Local Resident

“...will inevitably attract a different client group... potential to cause public nuisance”.