



## Licensing (Liquor and Gambling) Panel – Monday 28<sup>th</sup> November 2016

### Application for a Review of the Premises Licence at George and Dragon, Raunds High Street, Northamptonshire NN9 6HS

#### Purpose of report

Application to review the Premises Licence at George and Dragon, Raunds High Street, Northamptonshire NN9 6HS

#### Attachment(s)

Appendix A - Application form for review  
 Appendix B - Map of Area  
 Appendix C - Representations  
 Appendix D - Current licence

#### 1.0 Summary

1.1 An application to review the premises licence at the George and Dragon was received on 12<sup>th</sup> October 2016 from East Northamptonshire Council's Licensing Enforcement Officer. The appropriate Blue Notice was displayed on the premises during the required consultation period. The Blue Notice must remain in situ and cannot be removed, however an officer of the Council witnessed the Designated Premises Supervisor (DPS) of the premises cut the Blue Notice down shortly after putting it up. This blue notice was replaced and the premises licence holder was advised that staff should be instructed to leave the notice alone. This also occurred at the last review of the premises earlier this year, both the premises licence holder and the now DPS was advised at that time.

#### 2.0 Application details

2.1 The matters for which a review to the premises licence is sought, relate to the prevention of crime and disorder licensing objective. The main reason for the review request relates to the operator of the premises failing to comply with conditions on the premises licence and the general management of the premises which the Licensing Enforcement Officer believes is not promoting the licensing objective of preventing crime and disorder.

#### 3.0 Consultations

3.1 The following Consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Police	Representation received
Trading Standards	No representation
Revenues and Customs	No representation
Health Authority	No representation
Raunds Town Council	No representation
Environmental Protection	No representation
Health Protection	No representation
Licensing	Review applicant
Planning	No representation
Public	Representation received

3.2 Northamptonshire Police have submitted a representation to support the review application. The representation relates to concerns that the licensing objectives are not being promoted due to the non compliance with the licence conditions. Northamptonshire Police have attended the premises since the last licensing review, which added two additional conditions, and found that a personal licence holder was not on site whilst licensable activities were taken place in breach of the licence conditions.

3.3 A representation has also been received from Poppleston Allen Solicitors who work on behalf of Country Estates Pubs Limited, who manage the above property on behalf of their client, Thackeray Property Services Limited, who are the Freehold owners of the premises. Poppleston Allen were notified of the application to review the premises licence through the Register of Interest requirements requested by the owners of the premises.

3.4 See Appendix C for full representations

#### **4.0 Determination**

4.1 The Panel must carry out its functions to promote the licensing objectives having regard to:

- Licensing Policy
- S182 Guidance

4.2 The Act states that following a hearing the Panel may take the following actions if they deem them necessary to promote the licensing objectives:

- a) no action necessary as no steps required to promote the licensing objectives;
- b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
- c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- d) excluding a licensable activity from the licence;
- e) remove the designated premises supervisor,
- f) suspend the licence for a period not exceeding three months;
- g) to revoke the licence.

#### **5.0 Policy Considerations**

5.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added

provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).

- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.

## **6.0 Section 182 Guidance Considerations**

6.1 Section 11.24 to 11.28 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

## **7.0 Committee Consideration**

7.1 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

## **8.0 Legal Implications**

8.1 A Legal Officer will be present at the hearing to outline and legal matters that need to be taken into consideration.

## **9.0 Equality and Diversity Implications**

9.1 There are no equality and diversity implications

## **10.0 Financial Implications**

10.1 There are no financial implications at this stage.

## **11.0 Staff**

11.1 There are no staffing implications

## **12.0 Risk Management**

12.1 There are no material risks

## **13.0 Corporate Outcomes**

13.1 The following corporate outcomes would be delivered

- Good quality of life
- Effective partnership working
- Good reputation
- Strong community leadership
- Knowledge of our customers and communities

## **14.0 Invitation to determine**

14.1 The panel is asked to consider the information detailed above and determine the review application.

<b>Legal</b>	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance; Statement of Licensing Policy				
<b>Background Papers:</b> George and Dragon Review April 2016					
<b>Person Originating Report:</b> Jenny Walker Interim Health Protection Manager <a href="mailto:jwalker@east-northamptonshire.gov.uk">jwalker@east-northamptonshire.gov.uk</a> 01832 742209					
<b>Date:</b> 15 <sup>th</sup> November 2016					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)