

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 16 January 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00 am

Present: Councillors: **Glenvil Greenwood-Smith**  
**Helen Howell**  
**Geoff Shacklock**

**Also present:**

**Representing**

**Frank Harrison**  
**(Health Protection Manager)**

**East Northamptonshire Council**

**Rita Groves**  
**(Licensing Enforcement Officer)**

**East Northamptonshire Council**

**Mr Stephen Pickering**

**Representing Nutball Ltd**

**Mr Andrew Dickins**

**Nutball Ltd (Applicant)**

**Mr Graeme Carsberg**

**Supporting the Applicant**

**Mrs Filomena Palmer**

**Lowick and Slipton Parish Council**

**Mr Phillip Close**

**Resident of Slipton**

**Mr Mark Shepperson**

**Resident of Slipton**

**Mr Darren Tecklenberg**

**Resident of Slipton**

**Ruksana Munir**

**Legal Advisor to the Panel**

**1. APPOINTMENT OF CHAIRMAN**

**RESOLVED:**

That Councillor Helen Howell 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 made.

#### **4. APPLICATION FOR A PREMISES LICENCE FOR THE SAMUEL PEPYS, SLIPTON LANE, SLIPTON, NN14 3AS**

The Health Protection Manager reported on an application for a new Premises Licence for the Samuel Pepys Public House, Slipton Lane, Slipton under the Licensing Act 2003. The application had been received on 21 November 2016 and the appropriate notices had been displayed and advertisements placed as required.

The application stated that the purpose of the premises was to be a Public House Restaurant with Public and Lounge Bars and a Conservatory Restaurant.

The matters for which a premises licence was sought were:

##### **Supply of Alcohol**

Monday to Sunday 11:00 – 00:00

New Years Eve – 11:00 – 00:00

##### **Opening Hours**

Monday to Sunday 11:00 – 00:30

Lowick and Slipton Parish Council and three members of the public had made representations which primarily related to the duration of the proposed opening hours, concerns about public safety in relation to the nature and use of the road outside the premises and the location of any outdoor smoking area. Matters associated with the historical use of the previous owners and managers of the premises were also cited.

In response to a question from the Panel, the Health Protection Manager confirmed that the application was only for opening hours and the supply of alcohol as regulated entertainment and late night refreshment had not been requested.

##### **Evidence from the Applicant**

Mr Stephen Pickering attended the hearing and spoke on behalf of the Applicant. Mr Pickering advised that Nutball Ltd held 14 other premises licences including in villages similar to Slipton and Mr Dickins, the proposed DPS, had over 20 years experience in the trade. The application sought an extra 30 minutes for opening as the Applicant believed that it would prevent customers from drinking quickly and enabling them to leave at staggered times rather than all at once. There had only been four objections to the application which showed a low level of concern and the Police had not objected. There had been a pub on the site for 400 years and it had been trading when the objectors had moved into the village. The Applicant believed that the objections made were irrelevant as speeding traffic was not an issue the premises could control and the application was not requesting live music. The premises would be a food led, traditional village pub which would hold a number of functions. The Applicant firmly believed that the application should be granted.

##### **Questions to the Applicant**

In response to questions from the Panel, Mr Pickering clarified that any trading since the application had been submitted had been under a Temporary Event Notice (TEN) which had covered the New Year period. There had been no trading at Christmas due to the relevant TEN application having been made late. However, there had been a private party which had been held in the premises at Christmas. Mr Dickins confirmed that he lived in Huntingdon which was only a 20 minutes drive away and he did not foresee that causing any difficulties in managing the premises effectively. Mr Dickins advised that he would expect to consult with local residents before holding any events. When asked how staff would prevent loud,

persistent swearing by customers, Mr Dickins advised that the customer would be asked to refrain from using that language and if they continued they would be asked to leave the premises. There were two designated smoking areas at the premises and it was planned that signs would be put up to guide smokers to those areas. Mr Dickins confirmed that going forward he wanted the premises to be a good, well run village pub which had a good food offering. He clarified that the previous licence had already been for trading until midnight, the extra 30 minutes opening being asked for was not to sell alcohol but just to allow customers to leave in a measured way.

The Health Protection Manager had no questions for the applicant.

In response to a question from Mrs Filomena Palmer, Clerk to Lowick and Slipton Parish Council about why the Applicant wanted to open after 23:00, Mr Pickering confirmed that closing at 00:30 would allow customers to leave over a 30 minute period rather than at the same time.

Mr Phillip Close, a local resident, asked the Applicant why the premises had been trading from 23 December to New Years Eve if it did not have a licence. The premises had also been advertised as trading from 23 December. Mr Dickens advised that there was a TEN covering 11:00 – Midnight. Mrs Groves clarified that a TEN had been submitted on 21 December to cover the period 24 December to 31 December for the sale of alcohol, regulated entertainment and late night refreshment. This had been refused as it had been received late and therefore the premises should not have been trading. A similar TEN had been submitted to cover the period 3 – 9 January which had been accepted.

Councillor Greenwood-Smith stated that on the balance of probabilities he was satisfied that the premises had been operating without a licence at Christmas. Mrs Groves clarified that the licensing unit would have told the applicant that they could not open and this was usually done by telephone followed by a letter, however in this case she could not confirm if a telephone call had been made.

### **Evidence from other Representatives**

Mrs Filomena Palmer attended the hearing and spoke on behalf of Lowick and Slipton Parish Council. She clarified that whilst only four objections had been made directly to ENC, most residents in the village had objected to the Parish Council. The residents did not object to the pub but just objected to the extended hours, which were later than surrounding villages.

Mr Phillip Close attended the hearing and spoke as a local resident. Whilst supporting that there should be a pub, he also supported the views made by the Parish Council. Over the years there had been variations in the quality of management and under the previous licence holder there had often been noise coming from the pub and bad community relationships. He fully supported the pub opening but with shorter hours than was being requested.

Mr Darren Tecklenberg attended the hearing and spoke as a local resident. He was not against the pub but there needed to be closer links with the community to make it a community pub. He had concerns for the safety of customers as when leaving the premises they came out directly on to the road and due to the speeds travelled, he had fears that someone would get injured.

Mr Mark Shepperson attended the hearing and spoke as a local resident. He had no objection to the pub but had concerns with littering and the lack of consultation with local residents.

The Panel had no questions of the representatives.

The Health Protection Manager had no questions of the representatives.

Mr Graeme Carsberg, on behalf of the Applicant, responded by saying that he had been the previous owner for five years. He had not lived on the premises but he had visited it on many occasions. No one had complained to him about the issues being raised today and a lot of the issues had been beyond his control.

Mr Pickering, Mrs Palmer, Mr Close, Mr Tecklenberg and Mr Shepperson were all provided with an opportunity to sum up their case.

*At 10.52am the Panel adjourned to make their decision.*

*The Panel reconvened at 12.02pm to announce their decision.*

## **RESOLVED:**

The Licensing Panel has considered this application for a new Premises Licence for Samuel Pepys Public House, Slipton Lane, Slipton; and has taken into account the Health Protection Manager'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 11.00 hours to 00.00 hours. (Written as 24.00 on the application)  
New Years Eve – 11.00 to 00.00 hours. (Written as 24.00 on the application)

### **Opening Hours**

Monday to Sunday from 11.00 hours to 00.30 hours. (Written as 24.30 on the application)

The Panel have also decided to add the following conditions to the Licence as follows:

1. No alcohol sold for consumption on the premises is to be consumed outside of the licenced area this includes the public highway.
2. In the interest of the prevention of public nuisance signage must be displayed directing patrons to the designated smoking area.
3. Smoking will be restricted to one designated area on the east elevation of the building and adjacent to the toilets (see map).

The reasons for the decision are as follows:-

1. The prevention of public nuisance.
2. Protection of children from harm.
3. Public safety.

The Panel were concerned that the Applicant has shown disregard of the regulations in the opening of the premises during the festive period. The Panel did, therefore, seriously consider not granting this application.

The Panel received legal advice in terms of:

1. The Licensing Objectives
2. The options available to the Panel – Under the Licensing Act 2003
3. The legal test to be applied
4. Section 182 Guidance.

The Panel considered the representations of the objectors. 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 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 receiving the Decision Notification letter.

**Chairman**