

## **LICENSING (LIQUOR AND GAMBLING) PANEL**

**Date:** 29 August 2018

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

**Time:** 10.00 am

**Present:** Councillors: Richard Gell  
Glenvil Greenwood-Smith  
Helen Howell

### **1. APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

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

### **2. APOLOGIES FOR ABSENCE**

There was an apology for absence from Councillor Geoff Shacklock and Councillor Helen Howell was attending in his place.

### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **4. EXCLUSION OF PRESS AND PUBLIC**

#### **RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following item of business because exempt information, as defined under paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, may be disclosed.

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

The Health Protection Manager reported that an application to review the premises licence at the Samuel Pepys Public House had been received on 19 July 2018 from the Licensing Enforcement Officer at East Northamptonshire Council. The appropriate blue notice had been displayed on the premises during the required consultation period.

The matters for which a review to the premises licence was sought related to the prevention of public nuisance. The request for the review related to the tenants of the premises not complying with conditions on the premises licence and concerns with the management of the premises.

Representations had been made by Northamptonshire Police and Northamptonshire Fire and Rescue Service. Five representations had been received from the public of which two were in support of the licence review and three were in support of the licence.

Having heard from all parties, the Panel **RESOLVED:**

The Licensing Panel has considered this application for a Review of the Premises Licence for Samuel Pepys, Slipton Lane, Slipton that was requested by East Northamptonshire Council's Licensing Enforcement Officer. The Panel took into account the report of the Health Protection Manager, the Licensing Enforcement Officer of East Northamptonshire Council and Northamptonshire Police. The Panel also heard from the Premises Licence Holder's representative who spoke on behalf of the Designated Premises Supervisor (DPS), a Director of the Premises Licence Holder and a patron of the premises.

The Panel carefully deliberated and had regard to:-

- The Licensing Act 2003
- The Statement of Licensing Policy
- S182 Guidance – Sections 11.16 to 11.23
- East Northamptonshire Council's Licensing Policy
- Dash-cam footage
- All relevant representations received

The main reason for the review is in relation to the prevention of public nuisance. This relates to the tenants of the premises not complying with the conditions of the premises licence and concerns relating to the general management of the premises.

The Licensing Panel have considered all the above and are of the unanimous view that on a balance of probability the Samuel Pepys Public House is currently not promoting the licensing objectives of preventing public nuisance.

The Panel have, therefore, decided unanimously that it is appropriate and proportionate to issue a formal warning to the Premises Licence Holder and the DPS. The Panel had seriously considered removing the DPS, and a possible suspension of the premises licence. However, taking into consideration the representations made on behalf of the Licence Holder and the personal statement from the current DPS who admitted non-compliance with the current conditions and further reassured the Panel of his intention to fully comply with all of the current conditions of the Premises Licence in the future. For avoidance of doubt the following additional conditions applied to the Premises Licence on 16 January 2017 which are:-

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.

The reasons for this decision are:-

1. The Panel require that the Licence Holder and the DPS fully comply with Condition 2 with regard to adequate signage.

2. The Licence Holder and the DPS are reminded that they are fully responsible for the enforcement of Condition 1 as listed above.
3. Further, the Licence Holder and the DPS are reminded that as per Condition 3, smoking will be restricted to one designated area only.

The Panel would remind the Licence Holder and the DPS of the sanctions that could have been applied and would stress the implications of future non-compliance of these conditions.

The Decision Notice will be sent out in writing. If any Party, who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date given on the Decision Notice.

**Chairman**