

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 02 April 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00 am

Present: Councillors: Helen Howell
Barbara Jenney
Dorothy Maxwell

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Barbara Jenney be appointed Chairman of the Panel for this hearing.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gill Mercer and Councillor Dorothy Maxwell was attending in her place. Apologies were also received from Diane Baish, Environmental Protection Officer.

3. DECLARATIONS OF INTEREST

All Panel Members declared that they had undertaken a site visit to the premises and surrounding area prior to the Panel Hearing.

4. APPLICATION FOR A PREMISES LICENCE FOR WARMINGTON MILL, EAGLETHORPE, WARMINGTON, PE8 6TJ

The Health Protection Manager reported that an application for a new Premises Licence for Warmington Mill, Eaglethorpe, Warmington had been received on 11 February 2019. The appropriate notices had been displayed and advertisements placed as required.

Representations on the application had been made by Health Protection, Environmental Protection and Warmington Parish Council. 10 representations had been received from members of the public, all of which objected to the application on the grounds of all four of the licensing objectives but particularly public nuisance and safety.

5. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the public and press be excluded from the meeting during consideration of one of the representations because exempt information, as defined under paragraph 1 (information relating to any individual) of Schedule 12A of the Local Government Act 1972, may be

disclosed.

6. READMITTANCE OF THE PRESS AND PUBLIC

Following consideration of one of the representations, the press and public were readmitted to the meeting.

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

The Licensing Panel has considered this application for a new Premises Licence for Warmington Mill, Eaglethorpe, Warmington and has taken into account the Health Protection Manager's report and all relevant representations, video footage 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 refuse the application in its entirety.

The Panel made reference to:

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

The Panel considered the representations made by Environmental and Health Protection Officers, Warmington Parish Council and the local residents.

From the evidence given the Panel were not satisfied that the applicant had adequately addressed the following:-

1. The potential noise nuisance from the venue;
2. The Applicant could not demonstrate suitable enforceable control measures to mitigate the potential noise nuisance; and
3. Public safety relating to specific hazards namely,
 - The water surrounding the venue
 - The presence of deep water at the rear of the building to be used for wedding ceremonies
 - The presence of deep and fast flowing water on three sides of the mill building (to be used for receptions and functions)
 - The presence of a weir and sluice gate next to the mill building controlled by the Environment Agency
 - The close proximity of the venue to moored boats
 - Fencing around much of the location which allows easy access to the water for children and intoxicate adults
 - The lack of lighting around much of the location to suitably illuminate pathways and the areas of water
 - The absence of any life saving equipment

The Panel also took into account the licensing objective of promoting the protection of children from harm.

The Panel also took into consideration the impact that granting the licence would have on the quality of life on nearby residents. The Panel took on board the Environmental Protection Officer's comments in relation to the levels of noise at peak times when guests arrive or leave the venue. The Panel were concerned that the smoking area suggested by the Applicant had not been given suitable consideration.

The Panel referred to Section 2.7 of the Section 182 Guidance, during their deliberations and noted that the Licence Holder would have the responsibility to ensure the safety of those using their premises. However, the Applicant was not able to convince the Panel that she had the ability or authority to put in suitable measures to satisfy the Panel

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