

LICENSING PANEL

Date: 26 June 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)
Andy Mercer

Gill Mercer

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATION OF INTERESTS

No interests were declared.

3. MINUTES

The minutes of the meeting held on 16 April 2009 were approved and signed by the Chairman.

4. APPLICATION FOR A PREMISES LICENCE FOR IRTHLINGBOROUGH TOWN BAND CLUB, IRTHLINGBOROUGH

The Panel considered an application for a Premises Licence for Irthlingborough Town Band Club, under the Licensing Act 2003. The following times were requested (where applicable, the current times for Club activities permitted under the Club Premises Certificate are shown in brackets):

- Films: 11.00 – 00.00 hours (20.00 – 23.00 hours)
- Indoor sporting events: 11.00 – 00.00 hours (20.00 – 22.30 hours)
- Boxing or wrestling entertainment: 11.00 – 00.00 hours
- Live music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Recorded music: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Performance of dance: 11.00 – 01.00 hours (20.00 – 00.00 hours)
- Making of music: 11.00 – 01.00 hours
- Dancing: 11.00 – 01.00 hours
- Supply of alcohol: 11.00 – 01.00 hours (11.00 – 00.00 hours)

Extra hours were requested for those items numbered 4, 5, 8 and 9 until 02.00 hours on Boxing Day and until 04.00 hours on New Years Eve. (Currently 00.30 hours Boxing Day and 02.30 hours New Years Eve).

The statutory bodies had been consulted and representations had been received from the Police Licensing Unit and 3 local residents about public nuisance issues. The Police had recommended that extra conditions be imposed on the Licence if approved. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5).

Mr Stephen West, the Club's President, spoke in support of the application. The Club provided an important social facility for the local community and had applied for the Licence because they wished to hold events where members of the public could attend. These events would also bring in much needed income for the Club and he stressed that they would be held only 4 or 5 times a year, finishing at 11pm. Mr West confirmed that the Club would be prepared to keep the existing hours of opening as indicated on their Premises Certificate if the Licence was granted and would accept the extra conditions proposed by the Police.

Mr Philip Hullat, a member of the Club, also spoke in support of the application.

PC Andy Glover, representing the Police Licensing Unit, spoke objecting to the application. The Police had objected because of a couple of public order incidents outside the Club in 2008 and were supporting a number of local residents objecting to the application. He also mentioned an incident outside the Club earlier in June when the Police had been called to deal with a disturbance at the premises. He asked that the application be refused but if granted, he requested that the extra conditions suggested by the Police be imposed on the Licence.

The Panel asked Mr West and PC Glover a number of questions about their submissions and asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, 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 a Premises Licence from Irthlingborough Town Band Club be granted, subject to additional conditions. (See below)

The Chairman read out the following statement giving the reasons why the Panel had granted the Licence with additional conditions: -

"The Licensing Panel considered an application for a Premises Licence for the Irthlingborough Town Band Club and took into account the Licensing Officers report, representations both supporting and objecting to the application and other items of evidence presented. After careful consideration of the licensing objectives, East Northamptonshire Council's statement of licensing policy and guidance issued under Section 182 of the Licensing Act 2003, the Panel reached the following decision.

A Premises Licence be granted subject to the mandatory conditions as imposed by the Licensing Act 2003, with the licensing hours and licensable activities of the Licence being identical to those of the existing Club Premises Certificate. During the Hearing the applicant confirmed their consent to those timings and also confirmed that they had no objection to the conditions suggested by the Police and the following additional conditions be imposed:

1. There shall be a strict no glass policy on Friday and Saturday from 18:00 until closing. A no glass policy shall be operated whenever regulated entertainment takes

place.

Only toughened plastic or polycarbonate vessels shall be used at these times. All bottles are to be decanted behind the bar.

Reasons – Prevention of crime and disorder and public safety.

2. A 100% no glass policy at all times shall be introduced before 1 July 2010.

Reasons – Prevention of crime and disorder and public safety.

3. The Licence Holder to ensure that no open container or vessel of alcoholic beverage of any description shall be taken beyond the curtilage of the licensed premises. The Licence Holder shall take appropriate action to prevent drinking outside the licensed premises and include signage to that effect.

Reasons – Prevention of crime and disorder and prevention of public nuisance.

4. The Licensee shall have installed and properly maintained in working order at all times a CCTV system. In particular this system shall hold images for at least 30 days and cover all areas to which the public have access including all bar areas, drinking areas and entrances/exits. In addition, staff shall be trained in its operation; images shall be made immediately available from the system to a police officer on request; and real time images of CCTV coverage shall be on view to a member of staff at all times during hours of opening.

Reason – Prevention of crime and disorder.

5. With immediate effect, the Licence Holder shall adopt and maintain the Challenge 21 Scheme. The Licence Holder shall ensure that all members of staff are trained in this Scheme.

Reasons – Protection of children from harm and prevention of public nuisance.

6. The Licence Holder shall have in place by 1 January 2010 a Security Industry Association registered Door Supervisor from 18:00 hours until closing on a Friday and Saturday night and at all times when regulated entertainment is taking place. Door Supervisors shall be required to check the identity of any person not looking over 21. Details of any person refused entry shall be recorded in an incident book.

Reasons – Protection of children from harm and prevention of crime and disorder.

7. The Licensee shall ensure that all staff are either trained, or under the supervision of someone who was trained, to ensure that the requirements of the Licensing Act 2003 and the four licensing objectives were complied with.

Reason – The four licensing objectives.

8. The Licensee shall ensure they remain a member of the Pub Watch Scheme and that a representative of the Licensee should attend local Pub Watch meetings.

Reason - Prevention of crime and disorder

9. The Licensee shall ensure that the main entrance to the premises is locked and secured immediately the licensable activities cease.

Reason - Prevention of crime and disorder

10. The Licensee shall ensure that no member of the bar staff consumes alcohol during their on duty hours.

Reason - Prevention of crime and disorder

The Panel noted the concerns expressed by the Police Licensing Officer and the evidence of unwelcome activities undertaken by young people. The Panel wished to emphasise to the

Licence Holder the importance of taking the responsibilities of a designated premises supervisor very seriously. The Panel advised the Licence Holder that failure to ensure the four licensing objectives were fully complied with could result in a full review of the Premises License.”

The Chairman also mentioned that the Panel's decision would be sent in writing to all parties and that they had the right to appeal to the Magistrates Court within 21 days, if they wished to appeal against the Panel's decision.

Chairman

APPLICATION FOR A PREMISES LICENCE FOR IRTHLINGBOROUGH TOWN BAND CLUB, IRTHLINGBOROUGH

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

Preventing Crime

(a) Police

The representation from the Police referred to a number of incidents involving crime and disorder linked to the Club and recommended a number of conditions. This representation referred to:

“ a fight at the premises involving youths exiting the Club.” “Since that time, in both March and April 2009, Northamptonshire Police have received further calls from local residents complaining about underage drinking/drunkenness associated with the Club”.

Public Nuisance

(a) Local Residents

The representations from the public all referred to nuisance caused by patrons of the Club when leaving the Club late at night:

“The vandalism...and excessive noise involved is much more noticeable when an event is occurring...”

“teenagers are drinking alcohol and when leaving the band Club cause a disturbance in the early hours”.

“The inability of the Club to maintain control of its customers on the street”.

LICENSING PANEL

Date: 30 October 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:00am

Present: Councillors: -

Glenn Harwood (Chairman)
Peter MacGovern

Brian Northall

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATION OF INTERESTS

No interests were declared.

3. MINUTES

The minutes of the meeting held on 3 July 2009 were approved and signed by the Chairman.

4. REVIEW OF THE CLUB PREMISES CERTIFICATE AND PREMISES LICENCE FOR THE IRTHLINGBOROUGH TOWN BAND CLUB

The Licensing Officer reported on an application for a review of the existing Club Premises Certificate and Premises Licence for the Irthlingborough Town Band Club under the Licensing Act 2003.

The Review had been requested by the Police under the crime and disorder, public safety and protection of children licensing objectives of the Act. The grounds for the review resulted from a combination of continuing levels of reported incidents and complaints from the public, together with evidence of a failure on the management to run the premises in a fair and lawful manner.

The statutory bodies had been consulted and representations were received from Northamptonshire Fire and Rescue Service, Environmental Services and one local resident in support. The Police had recommended that extra conditions be imposed on the Licence if approved. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 6 below).

PC Andy Glover, representing the Police Licensing Unit, spoke in support of the review. The

Police had requested the Review mainly because of the number of incidents that the Police had dealt with at the Club over the past two years and the serious nature of some of these incidents. The management of the Club appeared to have a disregard for licensing law and had not been co-operative with the authorities in resolving the perceived problems at the Club. A request to remove the current Designated Premises Supervisor had also been ignored by the Club. PC Glover recommended that the Premises Licence should be revoked and the Club Premises Certificate be suspended for a period of time deemed appropriate by the Panel. He made a number of other suggestions to prevent future incidents at the Club and to ensure that the Club's management accepted their responsibilities under the Licensing Act.

Vicki Potter, a Special Constable, spoke confirming that she had been assaulted whilst attending an incident outside the Club on 14 June 2009.

Tom Morrissey, East Northamptonshire Council's Licensing Enforcement Officer, confirmed a number of points made in his submitted statements. Amy White, a Technical Officer at the Council, spoke about the health and safety inspection she had undertaken at the Club in September and the work required to comply with safety regulations.

The Panel noted the comments made by Northamptonshire Fire and Rescue Service about the fire safety issues at the Club.

Stephen West, the Club's President, spoke objecting to the Review. The Club provided an important social facility for the local community. He said that the Club was well run and that the incidents reported by the Police often originated elsewhere in the Town. No underage drinking was allowed and the Club's management carefully controlled who entered the premises. Work was currently being undertaken to ensure that the Club complied with licensing and safety regulations and included the installation of new CCTV equipment and alarm system. The Club was making efforts to co-operate with the Police and other authorities and that there had been no reported incidents at the Club over the last two months. He asked that the Club's Premises Licence should not be revoked and that no additional conditions be imposed on the Club Premises Certificate.

Philip Hullat and Mr Berwick, both members of the Club, also spoke objecting to the Review.

The Panel asked Mr West and PC Glover a number of detailed questions about their submissions and asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That Irthlingborough Town Band Club's Club Premises Certificate be suspended for one month with additional conditions imposed on the Certificate (see pages 4 and 5 below); the Club's Premises Licence be revoked; and that Mary Ann Turiccki, the Club's Designated Premises Supervisor be removed from this position with immediate effect.

The Chairman read out the following statement giving the reasons why the Panel had taken the above decisions: -

"The Licensing Panel has considered the applications for a review of both the Club Premises Certificate and the Premises Licence for the Irthlingborough Town Band Club. The Panel

took into account the Licensing Officer's report, the Fire and Rescue Service's inspection report, the ENC Environmental Service's health and safety inspection report, the written and verbal evidence provided by the Police and representations both supporting and objecting to the reviews.

After careful deliberation and consideration of the Licensing Objectives, East Northamptonshire Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, the Panel had reached the following decision.

(a) Review of the Premises Licence

1. The Premises Licence be revoked.

Reason - Evidence presented to the Panel demonstrated there had been many incidents requiring Police attendance. The Panel believed that most of these incidents had breached all **four** of the licensing objectives.

There were a number of incidents of fights and/or assaults recorded in the Police's statement. In particular, the Panel found the following incidents directly related to the operation of the premises:

Incidents – (755) dated 2 February; (810) dated 17 May; (818) dated 18 October; (735) dated 15 March 2008; (6 and 16) dated 14 June; and (34) dated 30 August 2009.
Crime Reports – NB/8027/09 and NB/10189/09.

In addition, Special Constable Potter gave evidence that she had been a victim of an assault whilst attending a reported incident at the Club on 14 June 2009. In the Panel's view the above incidents demonstrated that the licensing objective "the prevention of crime and disorder" was not being complied with.

The Panel recognised that a number of the reported incidents had occurred prior to the issuing of the Premises Licence in July 2009. However, the Panel took into account that there had been no change of management at the time and concluded that such incidents were likely to occur again.

The Fire and Rescue Inspection report and the East Northamptonshire Council environmental health and safety inspection report made it clear that scant regard had been given to the second licensing objective of public safety.

Many of the recorded incidents involved a large number of youths being outside the Club according to the evidence (namely ICI 6 - 14 June 2009; 734 – 21 March 2008; and 810 - 17 May 2008), provided by the Police. These large groups of youths had often been rowdy, resulting in anti-social behaviour, which did not comply with the third licensing objective; the prevention of public nuisance.

The Panel were particularly concerned at the number of incidents involving young people under the age of 18. The Panel noted the Police's concerns about this issue and took into account the letter from the Police Licensing Unit bringing this matter to the attention of the Licence Holder. The letter also formally warned the Licence Holder that any future incidents of this nature could trigger a Review of the Licence. The significant number of these incidents suggested to the Panel that the fourth licensing objective; the protection of children from harm, was not receiving due regard.

It was for all of the above reasons that the Panel had decided to revoke the Premises Licence.

(b) The Designated Premises Supervisor

With immediate effect, because the Panel had revoked the Premises Licence, Mary Ann Turiccki, the Designated Premises Supervisor (DPS) of the Irthlingborough Town Band Club, be removed from this position.

The Panel was convinced by the amount of evidence presented to it by the Police Licensing Unit and from individual witness statements that the current Designated Premises Supervisor (Mary Ann Turiccki) had failed in almost every respect to take her duties and responsibilities seriously. She was reported as having been deliberately obstructive and unhelpful, frequently intoxicated and under the influence of alcohol. It was considered that when in this condition, the DPS would be incapable of managing situations correctly and was in direct breach of the condition imposed on the Premises Licence which stated that "the Licence Holder is to ensure no member of the bar staff consume alcohol during their on duty hours".

(c) Review of the Club Premises Certificate

The Panel believed there was enough evidence from the Police, the Licensing Enforcement Officer, the Fire and Rescue Service and East Northamptonshire Council's Environmental Services, that the Club's Committee had failed to run the premises properly.

Whilst the Committee had begun to address some of the deficiencies, there was still some way to go. Therefore, the Panel had decided to suspend the Club Premises Certificate for a period of one month, which would allow the remaining changes and improvements required by the Fire and Rescue Service and Environmental Health to be implemented.

The Panel also required the existing additional conditions of the Premises Licence to be transferred to the Club Premises Certificate, with the exception of the requirement for SIA door supervision.

The Club Premises Certificate shall be altered in order that there was a reduction of opening hours by one hour and that the premises were to be closed and secure by 23:00 hours daily Monday to Sunday.

The Panel noted that many of the reported incidents occurred at around midnight and believed that slightly earlier closing would prevent further incidents.

Reason – The prevention of crime and disorder and the prevention of public nuisance.

The Club shall introduce membership cards which should show, as a minimum, the following information - name, date of birth and image of the holder. The card had to be made available for examination upon request by any police officer, or local authority officer, or other member. The cards shall be introduced by no later than 31 January 2010.

Reason - The protection of children from harm and the prevention of crime and disorder.

The Licence Holder shall ensure that all staff members received suitable training in identifying conflict behaviour; how to resolve conflict behaviour; and to make available to the Licensing Authority the documentary evidence to prove such training was compliant with this condition. All staff should receive this training by no later than 31 January 2010.

Reason - The prevention of crime and disorder.

The Licence Holder shall introduce a refusals book both for “refusal of entry” to the Club and when “refusing to dispense alcohol in accordance with the Challenge 21 Scheme.” These books were to be made available for examination upon request by any police officer, local authority officer, or other authorised person. The books shall be introduced by no later than 1 December 2009.

Reason - The protection of children from harm and the prevention of crime and disorder.

The Panel advised the Club’s Committee to recognise there were issues with the Irthlingborough Town Band Club that conflicted with the four licensing objectives. The Panel also advised the Committee to take this into account when appointing senior members of the Club. In particular, the Panel recommended that the Committee should consider that the President of the Club was also a Personal Licence Holder.

The Panel welcomed the efforts the Club had made recently to improve the situation and reminded them further infringements or breaches of the licensing objectives could result in a further review”.

The Chairman mentioned that the Panel’s decision would be sent in writing to the Club within 21 days and that they would be advised about their right of appeal to the Magistrates Court if they were aggrieved with the Panel’s decision.

Chairman

**REVIEW OF THE CLUB PREMISES CERTIFICATE AND PREMISES LICENCE FOR THE
IRTHLINGBOROUGH TOWN BAND CLUB**

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

Public Safety

(a) Northamptonshire Fire and Rescue Service

The premises had been inspected on 5 August 2009 and a number of fire safety deficiencies were recorded, these were management based deficiencies and show that the premises were poorly managed with regards to fire safety.

(b) Environmental Services

The premises were inspected for health and safety on 30 September 2009. There were a number of infringements identified from that visit and these should be taken into account when considering this review.

Representation from a local resident in support of the Club.

The representation received from the local resident stated that they had not heard of any problems associated with the Club and had witnessed the Club enforce the rules around alcohol sales without ID, stopped serving those who had had too much to drink and asked people not to cause a nuisance as patrons left the premises.

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 17 March 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

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 Licensing Panel meeting held on 28 October 2009 were approved and signed by the Chairman.

4. REVIEW OF THE PREMISES LICENCE FOR THE BENEFIELD WHEATSHEAF, UPPER BENEFIELD

The Licensing Officer reported on an application for a review of the Premises Licence for the Benefield Wheatsheaf, Upper Benefield under the Licensing Act 2003.

The Review had been requested by some local residents under the public nuisance licensing objectives of the Act. The grounds for the Review were: "Persistent noise disturbance from amplified music and shouting inside and outside the premises. In addition, the continued breach of the Noise Abatement Notice served on the premises by East Northamptonshire Council." The application requested that the Premises Licence be revoked.

The statutory bodies had been consulted and representations were received from the Council's Environmental Protection Officer and three local residents. Environmental Protection had recommended that extra conditions be imposed on the Licence if it was not revoked. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 6 below).

(a) Evidence from the applicants

Dr Carole Lancaster and Mr David Smyth, local residents, spoke in support of the Review. They both confirmed that the main issue was the noise nuisance from indoor and outdoor events held at the premises since 2005 when the new owners took over. The noise problems appeared to be worse when there were events and wedding functions held in a marquee erected at the rear of the premises. They contended that the levels of noise from the events were unreasonable, especially in a village setting and was causing distress to them and their families. The problems appeared to have got worse last year and, following a number of events held in August and October 2009, they had complained to the manager about the noise and both confirmed that he had not taken the matter seriously and had not dealt with their complaints in a satisfactory manner. After contacting the Council's Environmental Health Department, they had noise monitoring equipment installed in their properties and an environmental protection officer had witnessed loud music from events held on 22 August and 3 October 2009. Following the event in October 2009, a prosecution for breach of the Noise Abatement Notice (served on the owners in 2008) had been made. They requested that the Panel should now revoke the Premises Licence as the only viable solution to prevent further noise nuisance occurring.

(b) Evidence from Environmental Services

Mrs Mandy Dennis, Environmental Protection Officer (ENC), also spoke in support of the Review. She stated that there had been problems with noise nuisance at the premises on and off since 2005. A number of complaints from local residents about noise, including the applicants, had been received and investigated during this period and a Noise Abatement Notice had been served on the owners in April 2008. The applicants, Dr Lancaster and Mr Smyth had been given diaries to keep a note of events which had caused a nuisance to them and noise recording equipment had also been placed in their properties to record levels of noise. She explained that monitoring noise levels was a subjective matter and often depended on the type of music being played. However, a level of 25 decibels through all the frequencies was recognised as a reasonable level of background noise and that this level could be acceptable, although the lower bass frequencies could cause a nuisance at 25 decibels. She confirmed that a statutory nuisance had been found on 3 October during an event held at the premises and that the owners had pleaded guilty to the breach following the prosecution. If the Panel decided not to revoke the Licence, she recommended some proposed extra conditions and that these be imposed on the Licence to properly control noise from any future functions or events held at the premises.

(c) Evidence from the Licence Holders

Mr Michael Proctor (Barrister), representing the owners of the Benefield Wheatsheaf, spoke objecting to the Review. Before responding to the applicant's evidence he apologised to the Panel for the late submission of the representations and documents outlining his client's case. He stated that the relevant objective in this Review was the prevention of public nuisance caused by noise from outdoor functions at the premises. The owners of the premises acknowledged that there had been a problem with noise during the past five years for local residents and were now attempting to rectify the situation. Mr Charles Reynolds, one of the owners, had now taken personal control of the business and a new general manager had been appointed. He went through the events and wedding functions held at the premises during August and October 2009 and that the noise levels at some of these events were unacceptable, which had been established by the noise monitoring equipment installed in the applicant's homes by the Council's Environmental Health Officers. He acknowledged that the owners had not defended the prosecution for the breach under the 2008 Noise Abatement Notice following the event on 3 October 2009. However, he pointed out that the applicants had not objected to some of the events held during in 2009. He

referred to the 25 decibel level of noise mentioned by Mrs Dennis in her evidence and that this level could be used as an acceptable and reasonable level of noise experienced by the local residents when functions were being held at the premises. He emphasised that wedding functions were very important to the future viability of the business and that 20 functions had already been booked during 2010. The first of these would be held on 8 April, with another planned on 1 May, under two separate Temporary Events Notices. The owners were intending using these two outdoor functions to test new noise reduction measures in the marquee and had been working closely with the Council's Environmental Health Officers. He mentioned the extra conditions proposed by Mrs Dennis which had also been copied in his client's representations and circulated to all parties, and stated that these would be acceptable to the owners as a positive way to resolve the noise issues. He requested that the Licence should not be revoked and that the proposed extra conditions be imposed on the Licence to enable outdoor events and functions to proceed at the premises during 2010.

Mr Charles Reynolds, a Director of the Benefield Wheatsheaf, also spoke. He acknowledged that there had been problems with noise during events and functions held at the premises since 2005 and he personally apologised to the applicants for any nuisance and distress caused to them and their families. He had taken personal control of the premises since 2 March 2010 and a new manager had recently been appointed following a number of staff changes. In an attempt to overcome the existing noise problems, he proposed to reposition and attach the marquee to the rear of the premises, with a double door entry system, introduce noise reduction equipment on the sound system using directional speakers, which would be located in the premises instead of the marquee. He also agreed to the extra conditions proposed by Mrs Dennis being imposed on the Licence and gave assurances that these changes would resolve the present noise issues for local residents.

The Panel noted that a planning application for the erection of a marquee at the rear of the premises for a temporary period of three years had been refused by the Council's Development Control Committee on 10 March 2010.

The Panel asked the speakers a number of detailed questions about their submissions and then asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That the Premises Licence for the Benefield Wheatsheaf, Upper Benefield, not be revoked and that new additional conditions be imposed on the Licence (see below).

The Chairman read out the following statement giving the reasons why the Panel had not revoked the Premises Licence and had added additional conditions: -

"The Licensing Panel considered the application for a Review of Premises Licence for the Benefield Wheatsheaf, Upper Benefield and took into account the Licensing Officer's and Environmental Health Officer's reports, representations objecting to the application and other relevant items of evidence presented. The Panel carefully deliberated and considered the licensing objectives, East Northamptonshire Council's statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003. The main consideration was the licensing objectives relating to public nuisance.

Public Nuisance

- (a) Evidence from the applicants The Panel heard representations from Dr Carol Lancaster and Mr David Smyth and considered that local residents had suffered from noise nuisance arising from regulated entertainment which had taken place under the current licence conditions. Dr Lancaster and Mr Smyth addressed the Panel and gave evidence that noise nuisance from the premises had caused distress to them and their families. Both stressed that this had been a long standing problem and that the noise heard from inside their properties was occasionally as bad as outdoors. This had been confirmed by recordings made by Environmental Control equipment and a Noise Abatement Notice was currently in force.
- (b) Evidence from Environmental Services The Panel also heard evidence from Mrs Mandy Dennis, Environmental Protection Officer of East Northamptonshire Council, with regard to the history of noise problems at this site.
- (c) Evidence from the Licence Holders The Panel heard evidence from Mr Michael Proctor, a barrister representing the owners of the Benefield Wheatsheaf, and Mr Charles Reynolds, a director of the Benefield Wheatsheaf Limited. Both accepted that there had been a history of noise nuisance and that complaints had been dealt with in a less than satisfactory manner in the past. Mr Reynolds also made a public apology for the way this had been handled. He stated that the previous management had not dealt with noise complaints satisfactorily and as a result the management had been changed.

The Panel looked at the various options available and decided not to revoke the Premises Licence and, after considered the conditions proposed by the Licensee, imposed the following new additional conditions on the Licence: -

1. The playing of live music, karaoke or amplified recorded music shall be restricted to the main building only.
2. A double door lobby system shall be installed at all access points to the marquee. Self closing mechanisms shall be installed on all the doors. All doors to the marquee shall remain closed at all times except to allow access.
3. All the noise equipment shall be located at a position to be agreed in writing with East Northamptonshire Council's Environmental Protection Officers.
4. The playing of all recorded/amplified music shall be through the use of directional speakers.
5. The noise climate at the surrounding residential properties shall be protected such that when measured one metre from the façade of any residential property the A weighted equivalent continuous noise level (LAeq) emanating from amplified music from the Benefield Wheatsheaf shall not exceed background levels when measured over any 5 minute period (LAeq, 5min). No third octave band when measured at one metre from the façade of any residential property shall be more than 5db greater than its immediate neighbour.
6. Any recorded/amplified music shall only be used through a sound suppression system which will be locked to prevent the music being amplified above a set level. This will comply with Condition 5 above to be agreed with East Northamptonshire Council's Environmental Protection Officers.

7. The Benefield Wheatsheaf shall submit for approval to East Northamptonshire Council's Environmental Protection Officers a noise management plan for the playing of amplified music, such approval not to be unreasonably refused. This plan shall include the following:
 - Robust policies and procedures applied to events in the Benefield Wheatsheaf
 - Fixed sound limiting and/or monitoring equipment
 - Training procedures for managers and other staff associated with events in the Benefield Wheatsheaf
 - An ongoing review process
 - Details of monitoring to be undertaken at the time of events
 - A detailed complaints monitoring system, including direct contact details during events.
8. All windows and doors shall be kept closed when entertainment is taking place.
9. A Designated Premises Supervisor shall manage outside entertainment to ensure that it does not cause a public nuisance.
10. No more than 20 outdoor events shall take place each year between 23:00 and 02:00 hours.

The above ten conditions shall replace all the existing additional conditions on the Licence.

Notice of this Decision would be sent in writing to all parties within 21 days, who would also have 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 all parties or on the date when any appeal is finally determined.”

Chairman

REVIEW OF THE PREMISES LICENCE FOR THE BENEFIELD WHEATSHEAF, UPPER BENEFIELD

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

Public Nuisance

From three Local Residents (the applicants)

“Persistent noise disturbance from amplified music and shouting inside and outside the premises. In addition, the continued breach of the Noise Abatement Notice served on the premises by East Northamptonshire Council.”