



Licensing (Liquor and Gambling) Panel - 8 October 2010

Application to Vary a Premises Licence - The Feathers Public House, High Street, Rushden

Summary

Application to vary the Premises Licence for The Feathers Public House, High Street, Rushden.

Attachment(s)

- Appendix 1 - Application Form
- Appendix 2 - Map of Area
- Appendix 3 - Representations
- Appendix 4 - Police Representation agreed with applicant

1.0 Summary

- 1.1 An application to vary the Premises Licence for the Feathers Public House, High Street, Rushden was received from Inglehill Ltd on 16 August 2010. The appropriate Blue Notice was displayed on the premises during the required consultation period.

2.0 Licensable Activities

- 2.1 Those matters for which a variation is requested are listed below including times. The current licensable times are shown in brackets for information.

Removal of conditions embedded on the Premises Licence by virtue of Schedule 8(6)(8):

Indoor Sporting Events (darts, pool, snooker tournaments)
Monday to Sunday from 10:00 hours to 00:00 hours.

Live Music

Sunday to Monday from 10:00 hours to 00:00 hours (10:00 to 00:00).

Thursday to Saturday from 10:00 hours to 03:00 hours (10:00 to 02:00).

Recorded Music

Sunday to Wednesday from 10:00 hours to 00:00 hours (10:00 to 00:00).

Thursday to Saturday from 10:00 hours to 03:00 hours (10:00 to 02:00).

Provision of facilities for making music and for dancing

Sunday to Wednesday from 10:00 hours to 00:00 hours.

Thursday to Saturday from 10:00 hours to 03:00 hours (10:00 to 02:00).

Late Night Refreshment

Sunday to Wednesday from 23:00 hours to 00:00 hours (23:00 to 00:00).

Thursday to Saturday 23:00 hours to 03:00 hours (23:00 to 02:00).

Supply of Alcohol

Sunday to Wednesday from 10:00 hours to 00:00 hours (10:00 to 00:00).

Thursday to Saturday from 10:00 hours to 03:00 hours (10:00 to 02:00).

Non- standard timings

Christmas Eve when not falling on Thursday, Friday or Saturday until 03:00 hours 25 December.

New Years Eve when not falling on Thursday, Friday or Saturday until 03:00 hours 1 January.

On Sundays prior to a Bank Holiday until 03:00 hours.

On the mornings on which British Summer Time begins, where the terminal hour is later than 01:00 hours, the terminal hour shall be extended by one hour.

Premises to be open to public for above non-standard timings for extra half hour (03:30).

Removal of the following conditions: -

1. The maximum number of persons permitted on the premises at any one time shall not exceed 250 people.
2. The rear doors of the premises are to be used for emergency access only during public entertainment.
3. No customer shall be allowed to enter or re-enter after 22:30 on Sunday to Wednesday or after 00:30 on Thursday to Sunday.
4. All doors and windows to remain closed when regulated entertainment is taking place other than for access and egress.

3.0 Consultations

3.1 The following consultations have taken place:

Child Protection	No representation
Fire	No representation
Trading Standards	No representation
Revenue and Customs	No representation
Town Council	Representation rejected as not related to four licensing objectives.
Environmental Protection	No representation
Environmental Health	No representation
Public	2 representations
Police	Representations withdrawn as conditions agreed.

3.2 The representations from the public have been analysed and a summary is shown under the relevant licensing objective. The full objections are at Appendix 3. A letter was received from Rushden Town Council but does not meet the criteria of a valid representation, which is attached to Appendix 3 for information only. The representation from the Police has been agreed by the applicant and the conditions asked for by the Police will be included in the Licence (see Appendix 4).

3.3 Prevention of Crime and Disorder

One of the representations refers to youths climbing on the roof of their property, the need to clean up vomit from their doorways and broken windows.

3.4 Prevention of Public Nuisance

Both representations refer to noise from the premises, detailing the noise from the DJ, the noise from patrons standing outside the premises smoking and the noise from the premises after closing hours.

4.0 Determination

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

- Licensing Policy
- Section 182 Guidance

4.2 The Licensing Act 2003 states that following a hearing the Panel may take the following actions if they deem them necessary to promote the licensing objectives:

- Grant subject to operating schedule and mandatory conditions only
- Grant subject to further conditions necessary for the promotion of the licensing objectives
- Exclude a licensable activity
- Reject the application

5.0 Policy Considerations

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:-

2.13 – 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 necessary, 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).

5.0 Licensing Hours – relates to higher standards being included within an operating schedule to address licensing objectives, the need to consider the adequacy of measures proposed to deal with nuisance and /or public disorder and demand stricter conditions with regard noise control near denser residential accommodation.

9.0 Licence Conditions - this Authority will therefore avoid the general application of standardised conditions to licences and certificates. However to ensure consistency, when it is necessary to apply conditions, the Authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. (Pages 148 – 170 of section 182 Guidance).

6.0 Section 182 Guidance Considerations

This section 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:-

6.1 Committee Consideration

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 (para 1.15).

As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation (para 9.24).

6.2 Control of Licensee

Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control (para 1.26).

6.3 Conditions

Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or

certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (para 10.4).

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources (para 10.13).

6.4 Opening Hours

In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19).

However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested (para 10.20).

7.0 Invitation to Determine

The Panel is asked to consider the information detailed above and determine whether to grant the Licence.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
Good Quality of Life	<input checked="" type="checkbox"/>	Good Reputation <input type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input checked="" type="checkbox"/>	Strong Community Leadership <input type="checkbox"/>
Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities <input checked="" type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input type="checkbox"/>
Other:		<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval		<input type="checkbox"/>
Financial	There are no financial implications at this stage	<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph	<input type="checkbox"/>
	There is provision within existing budget	<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date	<input type="checkbox"/>
	Decisions may have potential for income generation	<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks	<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -	<input type="checkbox"/>
Staff	There are no additional staffing implications	<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph	<input type="checkbox"/>
Equalities and	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications	<input checked="" type="checkbox"/>

Human Rights	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>				
Legal	Power: Licensing Act 2003				
	Other considerations:				
Background Papers:					
Person Originating Report: Tom Morrissey Licenisng Officer 01832 742241 tmorrissey@east-northamptonshire.gov.uk					
Date: 27 September 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 21)