

LICENSING PANEL

Date: 7 May 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Andy Mercer (Chairman)
Gill Mercer

Brian Northall

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Andy Mercer be appointed Chairman for this Hearing.

2. DECLARATION OF INTERESTS

No interests were declared under Section 50 of the Local Government Act 2000.

3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE GREEN DRAGON, BRIGSTOCK

The Panel considered an application for the variation of a Premises Licence for The Green Dragon, Brigstock, under the Licensing Act 2003.

The Licensing Officer reported that the applicant was seeking a variation of the Licence to extend the permitted hours for the sale of alcohol and playing of recorded music as follows (the current permitted hours are in brackets):

- (a) Sale of Alcohol and Playing of Recorded Music – Thursday, Friday and Saturday until 1:00 hours. (currently 00:00 hours)
- (b) Premises open to the public – Thursday, Friday and Saturday until 01:20 hours. (currently 12:20 hours)
- (c) Sale of alcohol on Boxing Day from 09:00 to 01:00 hours for the traditional Boxing Day Hunt. (currently normal hours for the day of the week on which Boxing Day falls).
- (d) Sale of alcohol on New Years Day from 11:00 to 02:00 hours (11:00 to 01:00 hours).

The statutory bodies had been consulted about the application. Representations had been received from Brigstock Parish Council and five local residents. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 3).

Mr Goff, the applicant (licence holder), spoke in support of the variation. He stated that he was seeking an extension of hours to the current Premises Licence on certain days to enable him to hold occasional special themed events without live music and was responding to requests from customers and also provide an improved facility for local people. He emphasised that he would not be holding events on every night that he had requested an extension. The premises had undergone extensive refurbishment since he had bought it in September 2008; the works included secondary glazing and soundproofing to improve noise insulation. The car park had also been refurbished to allow patrons to park behind the pub and prevent them parking in the street outside. He said that some of the incidents mentioned in the representations from local residents should not be attributed solely to patrons from his premises but could be caused by patrons from the other pub in the village.

Mrs Doolan, Mrs Burdett and Mr Glanvill (local residents), and Mrs Wilks (Chair of Brigstock Parish Council), spoke objecting to the variation. They all mentioned that the main issue for them was noise from the premises, caused by groups of people standing outside the front of the premises after it had closed and from people standing at the back smoking outside. A couple of residents also mentioned that a recent 'karaoke' event had resulted in excessive noise from the premises. They all requested that the present opening and licensing hours on the Licence for Thursday, Friday and Saturday should remain the same. No representations were made against the applicant's request to extend the hours for Boxing Day and New Years Day.

Mrs Cullinham (a local resident), also attended the Hearing and requested to speak. The Licensing Unit had apparently not received her letter and notice of intention to speak but she confirmed that she had handed in a letter to the Council's reception at Thrapston. The Panel obtained confirmation of her name and address and that she qualified as an interested party. The Solicitor to the Council advised the Panel that it had discretion to allow her to speak and it was agreed that Mrs Cullinham could address the Hearing. She then spoke objecting to the variation for the same reasons mentioned by the other objectors.

The Panel asked Mr Goff, Mrs Doolan, Mrs Burdett, Mr Glanvill, Mrs Cullinham and Mrs Wilks a number of questions about their submissions and Mr Lapsley (the landlord), summed up the case for the applicant, Mr Goff and requested that the Panel permit the variations to the Premises Licence specified on the application.

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 the Variation of the Premises Licence for The Green Dragon, Brigstock, be partially granted (see page 3).

The Chairman read out a statement at the Hearing giving the reasons why the Panel had partially granted the application. This is set out in full below.

"In determining this variation of Premises Licence, the Panel carefully considered all submitted reports, representations and evidence presented to it today, from all interested Parties, and mindful of the Licensing Objectives, particularly Prevention of Public Nuisance, had reached the following decision: -

To partially grant the applicant's request with changes to the times displayed on the Premises Licence for Licensed activities. The Panel will also impose conditions that were in addition to those that already existed on the Licence.

Changes to timings

The Premises will close no later than 20 minutes after all licensed activities had ceased.

Boxing Day

Supply of Alcohol from 11:00 hours until 01:00 hours

Hours open to the public will be from 11:00 hours until 01:20 hours

The Panel agreed to this extension because it had not received any representations objecting to this variation.

New Years Eve

Supply of Alcohol from 11:00 hours until 02:00 hours

Hours open to the public will be from 11:00 hours until 02:20 hours.

The Panel agreed to this extension because it had not received any representations objecting to this variation.

Recorded Music

The Panel decided not to extend the hours for recorded music with the exception of Boxing Day for the following reasons:

1. There are a number of listed buildings in the area where double glazing and other forms of noise insulation can not be installed.
2. The Licensed Premises are close to a number of residential properties, some of which are listed buildings.

This met the Licensing objective of Prevention of Public Nuisance (Reference ENC Licensing Policy paragraph 5.2.)

However, this does not prevent the use of incidental recorded music to accompany diners.

In relation to Boxing Day, the Panel decided to grant the applicant's request for a variation because the Panel had not received any representations objecting to this variation.

Permitted hours for supply of Alcohol

Monday to Thursday from 11:00 hours until 00:00 hours.

On Fridays and Saturdays, the supply of alcohol will be from 11:00 hours until 01:00 hours, only for patrons who had eaten, or who were eating a meal at the premises on that evening. In relation to the other patrons, the supply of alcohol shall cease at 00:00 hours.

Reason – these restrictions have been imposed for the Prevention of Public Nuisance. (Reference ENC licensing policy paragraph 5.2.)

The Panel considered that the risk of Public Nuisance from diners was much less than that from other patrons. “

The Chairman then explained the Right of Appeal, that the decision was effective immediately and that the Decision Notice would be sent in writing to the applicant within 21 days.

Chairman

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE GREEN DRAGON, BRIGSTOCK

The representations have been analysed by officers and abstracts have been taken and placed under the relevant licensing objectives:-

Public Nuisance

Local Residents

Noise from music and customers leaving the premises and or standing around outside especially if later hours are granted. Noise from cars as customers leave the premises late at night.

Parish Council

Noise from music and customers. Noise from customers and cars leaving the premises late at night.