

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

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

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”.