

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 22 April 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell (Chairman)  
Peter MacGovern

Robin Underwood

## PART A ITEMS

### 1. APPOINTMENT OF CHAIRMAN

#### RESOLVED:

That Councillor Richard Gell be appointed Chairman for this Hearing.

### 2. DECLARATION OF INTERESTS

No interests were declared.

### 3. APPLICATION FOR A PREMISES LICENCE FOR THE SHUCKBURGH ARMS, SOUTHWICK

The Licensing Officer reported on an application for a Premises Licence for the Shuckburgh Arms, Southwick under the Licensing Act 2003. The previous Licence had lapsed owing to the bankruptcy of the previous licensee.

The licensing activities and hours requested for the Licence were as follows: -

**Plays:** Monday to Sunday 08:00 to 22:00.

**Live music:** Monday to Sunday 12:00 to 23:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

**Recorded music:** Monday to Sunday 08:00 to 00:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

**Performances of dance:** Monday to Saturday 12:00 to 23:00; Sunday 12:00 to 22:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

**Anything similar to the above:** Monday to Saturday 12:00 to 23:00; Sunday 12:00 to 22:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

**Dancing, facilities similar to making music and dancing:** Monday to Sunday 08:00 to 23:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 – 01:00.

**Late night refreshment:** Monday to Sunday 23:00 to 05:00.

**Sale by retail of alcohol (both on and off the premises):** Monday to Sunday 10:00 to 00:00; New Years Eve/Christmas Eve 12:00 to 02:00; and Bank Holidays (Friday to Monday) 12:00 to 01:00.

The statutory bodies had been consulted and no representations had been received from them. However, five local residents had made representations. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 5 below).

The representations referred to possible nuisance caused by music events planned to be held in the grounds of the public house, some referred to verbal agreements made by the applicant at a meeting about hours and types of music events.

The Licensing Officer mentioned that the representations submitted by Mr and Mrs Fader had been reported as supporting the application and they had requested that this be amended to them objecting to the application. An amended map of the area (Appendix 2) was also submitted which had deleted 1 Museum Cottages as having made objections.

(a) Evidence from the applicants

Mr David Dixon, the Licensee, spoke in support of the application. He stated that he had drawn up a business plan for the premises and in order to make it a profitable and successful business, he wished to hold some events throughout the year both inside and outside the premises. By holding these events, he hoped to attract customers outside the village from the surrounding towns and villages. He stressed that he wanted to work with the local community and that the last thing he wanted to do was upset people from the village who would be his main customers. He hoped that the local community would support the pub and that he could build a bond of trust with the village. Two meetings had been held in the pub to which local people had been invited where he had explained his plans for the pub. He considered that these had been positive and productive. He emphasised that he wished to stick to the original proposals for the pub outlined in his application. However, he had no intentions to turn it into a music venue and gave an assurance that there would be no amplified music outside in the back garden during the events and that events held indoors would be go on late into the night. The events planned to be held included low key folk music with Morris Dancing in the afternoon and early evening and would be limited to approximately fifty people. They would be monitored by him to ensure that no problems with noise occurred. He requested that the Panel should consider his original application as submitted and grant him a Licence with suitable conditions.

(b) Evidence from the objectors

Professor Robert Harris, a local resident who had submitted representations, spoke objecting to the application. He welcomed the reopening of the pub and wanted it to succeed, especially in the current economic climate. However, he also wanted a balanced approach to ensure that there were sufficient safeguards in place to protect nearby residents from any potential noise nuisance, especially loud music from outside events. He did not consider that the pub was a suitable venue for late night entertainments and there would be potential for public order issues when customers left the premises. He suggested that all events at the pub should finish at 11pm, except on public holidays, and that there should be no outside entertainments. The Licence should not be used as an enforcement measure; he wanted the Licence to have conditions imposed to adequately control and restrict what entertainment events were allowed and when. There should also be a cap on the number of allowed events during the first two years. This would give Mr Dixon the opportunity to demonstrate to local residents that he could be trusted in running the pub without any problems. He did not object to a Licence being granted he just wanted adequate controls in place to prevent any potential public nuisance occurring.

Mrs Frances Harris, Mr Andrew Eden, Mrs Susan Eden and Mr Anthony Shortt, local residents who had also submitted representations, all spoke supporting the comments made

by Professor Harris and welcomed the reopening of the pub. However, they expressed their concerns about the granting of a Licence without adequate controls in place to prevent public nuisance occurring during the proposed entertainment events. If a Licence were granted, Mr Eden proposed that some conditions be added to cover the following issues:

- No late night refreshments be permitted
- No live amplified music be permitted outside the premises
- Special events be limited to no more than six per year
- Limits should also be placed on the number of music and dance events allowed.

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 a Premises Licence for the Shuckburgh Arms, Southwick, be granted subject to conditions being imposed on the Licence (see below).

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

“The Licensing Panel considered the application for a Premises Licence for the Shuckburgh Arms and took into account the Licensing Officers report, representations objecting to the application and evidence presented by the Applicant. In reaching their decision, the Panel paid due consideration to the business case submitted by the applicant and also took into account the evidence put forward by the objectors who were concerned with the effect that the extended licensing activities and hours would have on the community. The Panel noted Southwick was a very small village with dwellings closely situated to the Shuckburgh Arms.

The Panel granted the Licence with the following licensable activities and hours: -

#### **(a) Licensable Activities**

**Plays** - Monday to Sunday 08:00 to 22:00. As per the application.

**Live Music** - Monday to Saturday 12:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

**Reason** - a reduction in the hours applied for live music was imposed because the Panel considered that the proximity of the premises to residential properties meant that live music beyond those hours would not be acceptable with regard to the potential for noise nuisance and any condition to be imposed would not adequately deal with this potential problem.

**Recorded Music** – Monday to Saturday 08:00 to 23:30. Sunday 08:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

**Reason** - a reduction in the hours applied for recorded music was imposed because the Panel considered that the proximity of the premises to residential properties meant that recorded music beyond those hours would not be acceptable with regard to the potential for noise nuisance and any condition to be imposed would not adequately deal with this

potential problem.

**Performance of Dance** – Monday to Saturday 12:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 01:00 this is as per the application.

**Anything similar to the above** - As per the application.

**Dancing facilities similar to making music and dancing** – Monday to Saturday 08:00 to 23:00. Sunday 12:00 to 22:00. 24 December and 31 December 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

**Reason** – potential for making music beyond these permitted hours did raise, in the Panel's opinion, an unacceptable risk of public nuisance to adjoining residential properties.

**Late Night Refreshments** – Refused

**Reason** - the Panel concluded that to allow the provision of late night refreshments for any period would necessarily create a realistic potential for disturbance to local neighbours caused by the activities of the patrons taking advantage of late night refreshments, having regard to the nature of the locality.

**Sale by retail of alcohol** - both on and off the premises Monday to Saturday 10:00 – 23:30. Sunday 10:00 to 23:00. 24 December and 31 December – 12:00 to 02:00. Bank holiday days (Friday to Monday) 12:00 to 00:00.

**Reason** – the Panel considered that for the supply of alcohol to continue beyond these hours, the potential for disturbance to local residents was significant.

### **(b) Additional Conditions**

1. Licensable activities, shall only take place outside (in the rear garden) on bank holidays, (Friday to Mondays of those bank holiday weekends) Christmas Eve and New Years Eve and on no more than 2 additional days in any calendar month.

**Reason** - Prevention of Public Nuisance.

The Panel considered that the close proximity of the premises to the adjoining residential properties meant that the likelihood of the public nuisance problem arising was significant in the absence of this condition being imposed.

2. All doors and windows of the premises shall remain closed when live or amplified music is being played.

3.

These two additional conditions had been imposed to meet the licensing objective of prevention of public nuisance (reference East Northamptonshire Council Licensing Policy paragraph 5.2.)

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**

**APPLICATION FOR A PREMISES LICENCE - THE SHUCKBURGH ARMS, SOUTHWICK**

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

**Licensing Objective - Public Nuisance**

Summary of the representations received from five Local Residents:

The representations from the public (local residents) all refer to possible nuisance caused by music events planned to be held in the grounds of the public house. A few of the representations refer to verbal agreements made by the applicant at a meeting about hours and types of music events.