

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 8 October 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Richard Gell
Glenn Harwood (Chairman)

Rupert Reichhold

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATION OF INTEREST

No interests were declared.

3. APPLICATION TO VARY A PREMISES LICENCE – THE FEATHERS PUBLIC HOUSE, HIGH STREET, RUSHDEN

The Licensing Officer reported on an application to vary the Premises Licence for The Feathers Public House, High Street, Rushden, under the Licensing Act 2003, as follows:

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.

All the statutory bodies had been consulted and the Panel noted that:

- a representation received from the Police had been withdrawn because the applicant had agreed that the additional conditions proposed by the Police could be included on the Licence
- one representation had been received from a local resident Ms Taylor and another from Mr and Mrs Neville the owners of a property opposite the public house (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 8 below).

The Panel agreed that a representation from Rushden Town Council and a letter dated 27 August 2010 from Mr and Mrs Neville did not meet the criteria for valid representations and that both should be discounted from the evidence.

Additional representations had been submitted from Ms Taylor and Mr and Mrs Neville in response to notification about the Hearing and the Panel agreed that these met the criteria for valid representations and should be counted as evidence. Mr P Birch, a Licensing Consultant representing the applicants, had submitted comments on the additional representations and these were noted by the Panel.

(a) Evidence from the applicants

Mr P Birch, spoke in support of the application. The reasons for requesting the removal of the four existing Licence conditions were:

- Condition 1 - he had personally undertaken a risk assessment of the premises and the limit of 250 people allowed in the premises at any one time was no longer valid
- Condition 2 – it was proposed to have a garden area at the rear of the premises for smoking and constant access through the rear doors would be required whilst the premises was open
- Condition 3 – the Police had supported the removal of this condition which could be

- covered by a new condition agreed with the Police
- Condition 4 – this was to be removed for reasons of fire safety with the outer front door remaining open.

The Chairman mentioned that the Fire Officer had suggested to him in passing that the outer front door of the premises should remain closed, which conflicted with the request to remove Condition 4. Mr Birch said that he would discuss this matter with the Fire Officer.

Mr Birch mentioned the representations from Ms Taylor and Mr and Mrs Neville and emphasised that no objections to the variation had been received from the Council's Environmental Protection Officer and that no complaints regarding noise nuisance from the premises had been logged with the Council. The Council had also not objected to the rear of the premises outside being used for customers who smoked. He stated that neither of the two objectors had requested a review of the existing Premises Licence and that most of their objections to the variation could be discounted because they had not provided any sound evidence to back them up. He confirmed that the premises had not been open beyond the existing permitted 2.00pm closing time as suggested by Ms Taylor. There had been only one public order incident about 6 weeks ago and the Police had not mentioned that they had any crime and disorder issues with the premises. The noise problem mentioned by Ms Taylor caused by the emptying of waste bins early in the morning could be explained by other businesses in the area using a different waste company to empty their bins at 6.00am and he confirmed that the bins outside the pub premises were emptied by another company between 8am and 9am in the morning. This matter could be covered by a condition if required.

Mr Birch then went through the proposed additional conditions suggested by the Police and said that the applicants would agree to all of these being imposed on the Premises Licence. The applicants had agreed that CCTV should cover all outside areas. He stated that the Police had requested that the outside front door should be kept open at all times as a fire escape route, subject to the inner front door being kept closed to prevent noise escaping. The applicants claimed that the age range of their customers meant that they would prefer toughened glass to polycarbonate glasses which would affect the taste of the drinks. The revised entry times had been suggested and agreed with Police.

Mr J Cowell, on behalf of the applicants, also spoke in support of the application. He confirmed that:

- he had been the manager since October 2009 and lived above the premises
- he would adopt a 'zero tolerance' approach to drugs on the premises in consultation with the Police
- waste bottles from the premises would be collected between 8.00am and 9.00am in the morning
- there was a need in the town for a late night entertainment venue to be open until 3.00pm
- when there was licensed entertainment at the premises, there would be 3 experienced SIA registered security staff on the front doors and usually 6 bar staff
- he could not prevent customers smoking at the front of the premises. Door staff would encourage customers to go to the rear of the premises to smoke where the garden area had been refurbished by the brewery company. Customers would not be allowed to drink outside the front of the premises and the rear doors had inner doors to prevent noise leakage
- there were no speakers in the left room at the front of the premises and the speakers in the room on the right at the front faced to the rear
- the sound system in the premises had had a noise limiter fitted and there were no amplified speakers at the front of the premises

- if the outer front door was closed it would look as though the premises was closed, so it was important that this was allowed to remain open
- he would look at the possibility of installing another interior door between the existing outer and inner front door in consultation with the Council's Environmental Protection Officer to prevent noise leakage
- he would contact the two objectors to overcome any issues that they had raised.

The Panel noted the applicant's case and sought clarification on a number of issues including:

- the issue of the front outer door being left open at all times during licensed entertainment and the feasibility of adding another door to prevent noise nuisance to local residents. It was agreed that the applicant would discuss this matter with the Council and also liaise with the brewery company to seek their permission if it were feasible
- whether the applicant would agree to the replacement of the existing additional conditions on the Licence with those suggested by the Police. The applicant confirmed that he would be happy to have these additional conditions on the Licence because he had been involved in discussing these with the Police
- the Panel noted that there had been no further complaints from the two objectors during the past year and the applicant confirmed that he would personally contact the objectors to resolve any future issues.

With the agreement of the Panel, the Chairman read out the closing hours of licensed premises in the vicinity of the application premises as a comparison and the applicant requested that the closing hours of nearby eating places should also be considered in the Panel's deliberations.

(b) Evidence from the objectors

Ms Taylor, the local resident and Mr and Mrs Neville the property owners who had submitted representations were not present at the Hearing. The Chairman stated that the Panel had already noted and considered their comments and observations on the application.

Mr Birch then summed up the applicant's case and stated that the applicants wished to work with the Police and local people to ensure the premises were run in a professional way and the management would do everything possible to avoid any public order and nuisance issues. He was concerned that the addition of another internal door could affect the capacity of the premises but would consult the Fire Officer over this matter and requested that the Premises Licence be varied as detailed in the submitted 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 application to vary the Premises Licence for The Feathers Public House, High Street, Rushden, be granted subject to mandatory conditions and additional 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 with additional conditions: -

"The Licensing Panel has considered this application for a variation of the Premises Licence

for The Feathers, High Street, Rushden and has taken into account the Licensing Officer's report, representations both supporting and objecting to the application and other relevant items of evidence presented.

The Panel decided to disregard the Rushden Town Council's submitted comments as not relevant to the Licensing objectives. The Panel also disregarded a letter (dated 27 August 2010) from PS and JM Neville for the same reasons.

The Licensing Officer presented to the Panel two emails in support of the application and a copy of a submission objecting and listing alleged noise incidents. The Panel decided to accept these new submissions.

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

The application to vary the Premises Licence is granted, subject to the following mandatory and additional conditions:

1. Licensable Activities

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.
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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).

Indoor Sporting Events

(Darts, pool snooker tournaments)
Monday to Sunday from 10:00 hours to 00:00 hours

2. Non-Standard Timings

As applied for.

The Panel has agreed to remove the following existing additional 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.

The existing mandatory conditions are to remain with the following additional conditions imposed on the Licence:

CCTV to operate within the premises and to cover ANY outside areas. Recordings to be maintained for 21 days. The premises licence holder shall ensure that the DPS or in their absence a nominated member of staff is trained in methods of retrieval. Where evidence is requested from the CCTV by a police officer or authorised person this is to be provided for viewing immediately on request, and collection within 24 hours.

Reason – to prevent crime and disorder

SIA registered door supervisors must be employed on any day when the premises provides any form of regulated entertainment after 00:01 hrs (12 midnight). These door supervisors are to be in place on each occasion from 21:00 hours. DOOR SUPERVISORS OPERATING DOORS OR ANY EXTERNAL AREAS SHALL WEAR HIGH VISIBILITY JACKETS.

Reason – to prevent crime and disorder

No sound shall be allowed to emit from the premises so as to cause undue nuisance to occupants at nearby premises. Save for entrance and exit purposes all doors (other than the outer doors leading from the High Street) and windows to the licensed premises must be kept closed at all times whilst regulated entertainment is taking place.

Reason – prevention of public nuisance.

With immediate effect the Licence Holder is to adopt a policy of toughened plastic or toughened safety glass drinking vessels from 22:00 hours on Fridays and Saturdays. Stringent management policy is to be maintained with regard to the collection of glass bottles.

Reason – to prevent crime and disorder

No persons are to be allowed entry into the premises after 02:00 hours. This admission policy will apply to initial entry, thereby allowing persons who have previously been admitted to leave the premises for a short time. The Licence Holder is to ensure the appropriate measures are taken to prevent this condition being breached.

Reason – to prevent crime and disorder

A bound and sequentially paginated incident log shall be kept at the premises, and made available on request to a police officer or authorised person, which will record the following:-

- (a) all crimes reported
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents or disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

Reason – the promotion of all four Licensing Objectives

The Licence Holder is to be a member of the Pub Watch Scheme. The Licence Holder or his nominated representative is to attend the regular Pub Watch meetings.

Reason - to prevent crime and disorder and public nuisance

All members of staff and SIA door supervisors are to reinforce the need for patrons to leave quietly, out of respect for neighbours.

Reason – prevention of public nuisance

The volume of music at the premises is to be regulated by a limiter and must not cause noise nuisance.

Reason – prevention of public nuisance

The Licence Holder is to adopt a Challenge 21 Scheme

Reason – to protect children from harm

Additional Findings

The Panel had concerns that the suggestion of leaving the main door to the High Street in a fixed, open position might reduce the effectiveness it currently provides in terms of noise mitigation. The Panel appreciates the applicant's offer to investigate the feasibility of installing a second set of internal doors. The applicant has agreed that he will correspond with the Licensing Officer on this matter, within 30 days of the date of this Decision Notice, and the proposed solution has to be acceptable to the East Northamptonshire Council Environmental Protection (Noise) Service.

The Panel took into account the concerns raised by the two objectors, although in the interest of fairness, felt it had not been adequately evidenced that there was any significant noise issue specifically attributable to these licensed premises that could cause the Panel to refuse this application. The Panel made the observation that neither Environmental Services nor the Police had raised any Public Order issues. The Panel strongly advises the License Holder to ensure waste materials are not placed into the bins before 08:00 hours of a morning.

The prevention of public nuisance is, in this case, a very relevant licensing objective. The Panel felt the Licence Holder had demonstrated an awareness of that licensing objective and was prepared to undertake those actions necessary to be compliant with it.

The Panel believes the conditions it has imposed are robust enough to address the reasons for objections presented to it today.

Notice of the 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. The decision would become effective 21 days after receipt of the Notice by all parties or on the date when any appeal is finally determined."

Chairman

**APPLICATION TO VARY A PREMISES LICENCE – THE FEATHERS PUBLIC HOUSE,
HIGH STREET, RUSHDEN**

The representations received had been analysed by the Licensing Officer and are summarised under the following licensing objectives: -

(a) 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.

(b) Prevention of Public Nuisance

Both representations referred 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.