

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 20 December 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Sylvia Hughes  
Peter MacGovern

Andy Mercer (Chairman)

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Andy Mercer be appointed Chairman for this Hearing.

## 2. DECLARATION OF INTEREST

No interests were declared.

## 3. APPLICATION FOR A PREMISES LICENCE – RAUNDS OFF LICENCE AND GROCERY, 16 HILL STREET, RAUNDS

The Licensing Officer reported on an application for a Premises Licence for Raunds Off Licence and Grocery, 16 Hill Street, Raunds, under the Licensing Act 2003. The application requested the following be allowed:

### **Supply of Alcohol** (for consumption off the premises)

Sunday to Thursday from 06.30 hours to 22.00 hours

Friday to Saturday from 06.30 hours to 23.00 hours

### **Non-standard timings**

Christmas Eve and New Years Eve from 06.30 hours to 23.00 hours

### **Hours premises open to the Public**

Sunday to Thursday from 06.30 hours to 23.00 hours

### **Non Standard Timings**

Christmas Eve and New Years Eve from 06.30 hours to 23.00 hours

All the statutory bodies had been consulted and the Panel noted that representations had been received from a local resident and from Raunds Town Council. No other representations had been received. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 4 below).

### **(a) Evidence from the applicants**

Mr M Doosa, the husband of the applicant, Mrs S Doosa, spoke on her behalf in support of the application. There had been a shop on the site for 20 years and it would provide a much needed facility for local people. He stated that Mrs Doosa would be willing to comply with the wishes of the objectors and reduce the hours that the shop could sell alcohol during the evenings. She would also have CCTV installed in the premises and all staff working in the shop would be trained in licensing matters. His wife would be the Designated Premises Supervisor and she would inform the local Police of any incidents which occurred at the premises. He understood that delivery times to the premises would be between 6.30am to 7.00am during the week, which were similar to those of a nearby shop and that these would be covered by planning legislation.

### **(b) Evidence from the objectors**

Raunds Town Councillor Peter Wathen spoke objecting to the application. He stated that the Town Council were concerned that there were already six other off licences in Raunds and questioned whether the town needed another off licence. The premises were close to domestic properties and on a road leading to three local schools. He requested that, if the licence were granted, the hours permitted for the sale of alcohol during the evening be reduced, CCTV be installed and that trained staff should be available on the premises during opening hours.

In summing up, Mr Doosa said that the applicant had been willing to amend the application to overcome most of the valid objections from the local resident and Town Council and on behalf of the applicant he requested that the Licence be granted.

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 for Raunds Off Licence and Grocery, 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 the application from Mrs Sunitha Doosa for a Premises Licence for Raunds Off Licence and Grocery, 16 Hill Street, Raunds 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.

After careful deliberation and 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 has reached the decision to grant the application subject to conditions.

The Panel was concerned about the proximity of the premises to adjacent residential accommodation. In particular the Panel was concerned that the noise from patrons purchasing alcohol late at night will disturb neighbours. The Panel has therefore decided to restrict the late night hours, in the interest of Prevention of Public Nuisance. The Panel believed that the majority of late night patrons will be those purchasing alcohol rather than

other items, thus by restricting the late night supply of alcohol the Panel believes that excessive late night noise will be controlled.

1. **Licensable Activities**

**Supply of Alcohol (for consumption off the premises)**

Sunday to Thursday from 06:30 hours to 21:30 hours

Friday to Saturday from 06:30 hours to 22:00 hours

**Non Standard Timings**

Christmas Eve, New Years Eve from 06:30 hour to 23:00 hours

The licensee shall have installed, and properly maintain in working order at all times a CCTV system. In particular this system shall:

- Hold images for at least 28 days
- Cover all areas to which the public have access including entrance/exit
- Ensure staff will be trained in its operation.

Images will be made immediately available from the system to a Police officer on request.

Real time images of CCTV coverage will be on view to a member of staff at all times during hours of opening.

**Reason – the prevention of crime and disorder.**

2. The licence holder shall ensure that in order to ensure the integrity of the licensing objectives, the sale or supply of alcohol to any person appearing to be under the age of 21 years will only be made when appropriate proof has been given to verify age of purchaser. The licence holder is to operate the Challenge 21 Scheme (or any other successor scheme that replaces it.)

**Reason – the prevention of crime and disorder and the protection of children from harm.**

The Panel noted that most of the issues raised by the objectors were matters of Planning law rather than Licensing law and were therefore not relevant to this application.

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 FOR A PREMISES LICENCE – RAUNDS OFF LICENCE AND GROCERY,  
16 HILL STREET, RAUNDS**

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

**Local Resident and Raunds Town Council**

**(a) Prevention of Crime and Disorder**

The representations refer to concerns about increased crime and disorder as a result of the application and that it may increase drinking in the town square area.

**(b) Prevention of Public Nuisance**

The representations refer to the potential for noise and litter from customers and delivery vehicles. The premises have domestic dwellings very close by on one side and opposite and also the proximity of domestic premises to the off licence.

**(c) Protection of Children from Harm**

These premises are on a recognised route to school and may attract children into the shop on the way to and from school.

# LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 21 December 2010

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

**Richard Gell  
Glenn Harwood (Chairman)**

**Brian Northall**

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

## 2. MINUTES

The minutes of the Licensing (Liquor and Gambling) Panels held on 25 August and 8 October 2010 were approved and signed by the Chairman.

## 3. DECLARATION OF INTEREST

No interests were declared.

## 4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE RED LION, WELLINGTON ROAD, RAUNDS

The Licensing Officer reported on an application for the variation of a Premises Licence for The Red Lion, Wellington Road, Raunds, under the Licensing Act 2003. The application requested variations to opening hours for the following (current times are in brackets):

### **Live Music**

Monday to Wednesday – 10:30 to 23:00 hours (10:30 to 23:00)

Thursday and Friday – 18:00 to 01:00 hours (10:30 to 23:00)

Saturday – 12:00 to 01:00 hours (10:30 to 23:00)

Sunday – 12:00 to 21:00 hours (12:00 to 22:30)

### **Recorded Music/Dancing**

Monday to Thursday – 11:00 to 00:00 hours (10:30 to 23:00)

Friday and Saturday - 11:00 to 02:00 hours (10:30 to 23:00)

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Anything similar to live music/recorded music/dance**

Friday and Saturday – 18:00 to 02:00 hours

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Late Night Refreshment**

Monday to Thursday – 23:00 to 00:00 hours

Friday and Saturday – 23:00 to 02:00 hours

Sunday – 23:00 to 23:30 hours

### **Supply of Alcohol**

Monday to Thursday – 11:00 to 00:00 hours (10:30 to 23:00)

Friday and Saturday – 11:00 to 02:00 hours (10:30 to 23:00)

Sunday – 12:00 to 23:30 hours (12:00 to 22:30)

### **Hours Open to the Public**

Monday to Thursday – 11:00 to 00:30 hours (10:30 to 23:00)

Friday and Saturday – 11:00 to 02:30 hours (10:30 to 23:00)

Sunday – 12:00 to 00:00 hours (12:00 to 22:30)

All the statutory bodies had been consulted and representations had been received from seven local residents. A representation from Raunds Town Council which did not meet the criteria of a valid representation was submitted for information. Further representations from Raunds Town Council, on behalf of eleven members of the public, were submitted for information. No other representations were received. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 6 below).

The Panel noted that the Environmental Protection Officer had agreed some conditions with the applicant which were submitted for information.

### **(a) Evidence from the applicant**

Mr Colin Smith, the applicant, spoke in support of the application. He was concerned by the number of objections raised by neighbours and had previously invited them to contact him directly should any specific issues arise. The applicant had received no complaints from the Licensing Unit or the Police for eighteen months and no objections to the variation in hours had been submitted by the Police. The applicant mentioned that he also owned another public house in Raunds, The George and Dragon, which had a late licence, and understood that the Red Lion was in a residential area, but that he wished for the premises hours to be brought in line with other public houses in the town. With regard to past complaints about noise, changes had been introduced including: the installation of air conditioning; doors and windows were kept closed; all windows were being double-glazed; all vents had been soundproofed; outside speakers had been removed; staff had been instructed to monitor the noise from the outside smoking area; and the applicant was prepared to increase the soundproofing of the smoking shelter. The playing of live music was usually confined to Saturday nights and, on the occasions that the applicant was not on the premises for the evening, he visited both of his public houses to ensure the noise was not excessive. The applicant was amenable to the restriction of live music to Saturdays and only until 00:30 hours. The jukebox could not be heard from outside the premises when the windows were closed. In reference to comments by objectors that broken bottles and beer cans littered the area outside the public house, the applicant stated that he did not believe that the bottles came from his premises and that the Red Lion had never sold cans of beer.

The objectors asked the applicant why he had applied for a licence to allow live music on seven nights a week if he only intended to have live music played on Saturday nights and why he had not contacted residents other than those in the immediate vicinity. The applicant reiterated that he was prepared to compromise by only having live music on Saturday nights until 00:30 hours and that, as residents in the immediate vicinity had not raised any issues when he had spoken to them, he had felt no need to contact residents further away.

The Panel asked the applicant to respond to a number of detailed questions about his submission including: which neighbouring residents had been consulted by the applicant, the objections raised relating to public nuisance and noise; the applicants intentions to alleviate the noise issues relating to the smoking shelter; how the applicant intended to ease neighbours' concerns; and what could be done about the objections relating to litter. The applicant clarified that he had spoken to the residents of 96 London Road and 27, 29 and 54 Wellington Road and that the only issues raised in those discussions had related to noise from the smoking shelter. He explained that noise issues caused by outside speakers had been alleviated by the removal of the speakers eighteen months ago and no further issues had been raised since, but that the public house was on the outskirts of Raunds and inevitably noise would be created by those walking home from the town centre at night. The smoking shelter and noise emanating from it were being regularly monitored by staff and the applicant would consult with Planning Services regarding possible ways to enclose it further. The applicant hoped that the introduction of double-glazed windows and air conditioning would reduce the noise during the summer period and allay residents' fears. He also did not believe that the litter outside the premises was dropped by those leaving the public house.

### **(b) Evidence from the objectors**

The following local residents spoke objecting to the application:

Mrs B Groom – Mrs Groom raised concerns that the Red Lion was turning into a nightclub and a closing time of 02.30 hours was too late for such a residential area. Loud noise and swearing could be heard from the smoking shelter and patio by neighbours, particularly in the summer.

Mr D Truss – Mr Truss stated that noise from people drinking on the patio area disturbed neighbours in the summer and that, although he was aware the licensee was not responsible for the action of people once they had left the premises, the longer opening hours would allow people to become too inebriated and likely to make noise.

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 Red Lion, Wellington Road, Raunds, 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 variation of the Premises Licence with additional conditions:

“The Licensing Panel has considered the application for the variation of the Premises Licence for The Red Lion, Wellington Road, Raunds and has taken into account the Licensing Officers report, representations both in support and objecting to the application and other relevant items of evidence presented.

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 decisions.

The application to vary the Licence included requests to extend the current hours of licensable activities, however, the Panel did not agree with the timings applied for and grants

the following licensing hours:

### **Licensable Activities**

#### **Live Music**

Monday to Thursday - 10:30 to 23:00 hours

Friday - 18:00 to 23:59 hours

Saturday - 12:00 to 23:59 hours

Sunday - 12:00 to 21:00 hours

Christmas Eve - 18:00 to 01:00 hours

Boxing Day - 18:00 to 01:00 hours

New Years Eve - 18:00 to 02:00 hours

#### **Recorded Music/Dancing**

Monday to Thursday - 11:00 to 23:00 hours

Friday to Saturday - 11:00 to 23:59 hours

Sunday - 12:00 to 23:00 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

#### **Anything similar to live music/recorded music/dance**

Friday to Saturday - 18:00 to 23:59 hours

Sunday – 12:00 to 23:00 hours

Christmas Eve - 18:00 to 01:00 hours

Boxing Day - 18:00 to 01:00 hours

New Years Eve - 18:00 to 02:00 hours

#### **Late Night Refreshment**

Monday to Thursday - 23:00 to 23:59 hours

Friday to Saturday - 23:00 to 23:59 hours

Sunday - 23:00 to 23:59 hours

#### **Supply of Alcohol**

Monday to Thursday - 11:00 to 23:59 hours

Friday to Saturday - 11:00 to 00:30 hours

Sunday - 12:00 to 23:30 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

#### **Hours Open to the Public**

Monday to Thursday - 11:00 to 23:59 hours

Friday to Saturday - 11:00 to 00:30 hours

Sunday - 12:00 to 23:30 hours

Christmas Eve - 11:00 to 01:00 hours

Boxing Day - 11:00 to 01:00 hours

New Years Eve - 11:00 to 02:00 hours

In accordance with paragraph 2.13 of East Northamptonshire Council's Statement of Licensing Policy, the Licensing Authority is instructed to *"have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling and noise."*

The Panel noted the premises is located in a predominately residential area and as a



consequence of that felt it would be unreasonable and inappropriate to agree the requested extended hours.

The weight of evidence provided in the representations from objectors convinced the Panel there is already a noise and littering issue in the immediate vicinity of the subject premises. The Panel's view is that extending the licensing hours as had been requested would only exacerbate those problems.

The Panel does however recognise that some of the current permitted hours are earlier than in many other similar establishments. With that in mind, the Panel has decided to extend a number of the licensable activities as shown above.

The Panel imposes the following additional conditions:-

### **Additional Conditions**

1. No live or recorded music shall be played, relayed or amplified outside of the premises at any time.
2. The Licence Holder shall ensure that whenever any form of live entertainment, live music, recorded music or anything similar is taking place, all doors and windows are to remain closed to mitigate the noise nuisance effect.
3. The Licence Holder shall provide signage at all exits of the premises to remind Patrons to leave in an orderly manner and have respect for nearby residents.
4. The Licence Holder shall take the appropriate and necessary action to ensure noise levels from patrons using the smoking area and patio shall not exceed levels acceptable to the Environmental Protection Officers.

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 the date of the Decision Notice. The decision would become effective 21 days after the Notice had been issued or on the date when any appeal is finally determined."

**Chairman**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE RED LION,  
WELLINGTON ROAD, RAUNDS**

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

**Prevention of Public Nuisance**

**(i) Local Residents**

The representations from the residents refer to noise from customers of the premises and loud music emanating from the premises. This means that residents are unable to enjoy the quiet comfort of their gardens or to sit in their houses with windows open during the summer months. There is also noise from pub customers sitting outside in the smoking area until late at night and it is feared this will go on for longer.

The representations also refer to anti social behaviour by persons leaving the premises at late hours, shouting and swearing and throwing litter into gardens.

**(ii) Raunds Town Council**

The representations from residents to Raunds Town Council also refers to noise from loud music and customers using the smoking area. They also raise the issue of doors being left open whilst music is played inside the pub causing disturbance to those seeking to enjoy their own property. Some speak of having to retreat indoors and closing doors and windows to gain some peace. Other representations suggest conditions which could/should be imposed on the licence such as interior lobby doors; double glazing and windows and doors to be kept shut.

# LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 23 December 2010

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 9:30am

**Present:** Councillors: -

**Richard Gell**  
**Glenn Harwood (Chairman)**

**Brian Northall**

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

## 2. DECLARATION OF INTEREST

The three Panel members all declared personal interests in Item 4 below because they knew Councillor Robin Underwood; one of the speakers. They remained in the Hearing and took part in the discussion and decision on the application.

## 3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE WHEATSHEAF, HIGH STREET SOUTH, RUSHDEN

The Licensing Officer reported on an application for the variation of a Premises Licence for The Wheatsheaf, High Street South, Rushden, under the Licensing Act 2003.

The application requested variations to opening hours for the following (current times are in brackets):

### **Live Music** (Indoors and Outdoors):

Sunday to Wednesday – 11:00 to 00:30 hours (11:00 to 23:30)

Thursday 11:00 to 02:30 hours (11:00 to 23:30)

Friday and Saturday – 11:00 to 03:30 hours (Friday to Sunday only 11:00 to 23:30)

### **Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve and New Years Day – 11:00 to 03:30 hours (Christmas Eve, Boxing Day and New Years Day – 11:00 to 00:30. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours

### **Recorded Music:**

Sunday to Wednesday – 11:00 to 00:30 hours (19:00 to 23:00)

Thursday – 11:00 to 02:30 hours (11:00 to 23:30)

Friday to Saturday – 11:00 to 03:30 hours (Friday to Sunday only 11:00 to 23:00)

### **Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve and New Years Day – 11:00 to 03:30 hours

(Christmas Eve, Boxing Day, New Years Day – 11:00 to 00:30. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours

**Late Night Refreshment:**

Sunday to Wednesday – 23:00 to 00:30 hours

Thursday – 23:00 to 02:30 hours

Friday and Saturday – 23:00 to 03:30 hours

**Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day, Bank Holiday Weekends Friday/Saturday/Sunday – 23:00 to 03:30 hours

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

**Supply of Alcohol:**

Sunday to Wednesday – 11:00 to 00:30 hours (11:00 to 23:00)

Thursday – 11:00 to 02:30 hours (11:00 to 23:00)

Friday and Saturday – 11:00 to 03:30 hours (11:00 to 23:30)

**Non Standard timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day – 11:00 to 03:30 hours  
(Christmas Eve, Boxing Day, New Years Day – 11:00 to 00:00 hours. New Years Eve – 11:00 to 02:00 hours)

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours (11:00 to 14:00 and 19:00 to 23:00)

Bank Holiday weekends Friday/Saturday/Sunday – 11:00 to 03:30 hours (11:00 to 00:00)

**Hours Premises Open to Public:**

Sunday to Wednesday – 11:00 to 00:30 hours (Sunday to Thursday – 11:00 to 23:30)

Thursday – 11:00 to 02:30 hours (11:00 to 23:30)

Friday and Saturday – 11:00 to 03:30 hours (11:00 to 00:00)

**Non Standard Timings**

Christmas Eve, Boxing Day, New Years Eve, New Years Day, Bank Holiday Weekends Friday/Saturday/Sunday – 23:00 to 03:30 hours

Christmas Day – 11:00 to 14:30 hours and 19:00 to 03:30 hours

All the statutory bodies had been consulted. A representation had been received from Rushden Town Council on behalf of local residents, which included letters from 14 local residents. Representations had also been received from the Environmental Protection Officer and Police but these had now been withdrawn because the applicants had agreed to incorporate their suggestions as additional conditions if the Licence were granted. (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 Chairman mentioned that an allegation about drugs being consumed and sold at the premises in one of the objections received from a local resident would be disregarded by the Panel because the allegations were unfounded and had not been proven.

**(a) Evidence from the applicants**

Ms J Hancock, one of the applicants, spoke in support of the application. They had taken over the premises two years ago and the change in hours was being requested to enable the pub to compete with the new Wetherspoons pub, which would be opening soon in the High Street. She stated that they would not have applied for the variation to the Licence if the Wetherspoons pub was not opening. They had agreed to incorporate some additional conditions on the Licence suggested by the Police including: installation of CCTV; staff

training on licensing matters; use of polycarbonate glasses and door staff being present on Friday and Saturday evenings. After consultation with the Environmental Protection Officer, they had agreed to remove the request for holding outside events. She claimed that some of the alleged noise outside the premises late at night mentioned by the objectors was not necessarily caused by their patrons and could come from other nearby premises, including the pizza takeaway adjacent to the pub.

Mr Perry, the other applicant and manager of the premises, also spoke in support of the application. With regard to objectors' complaints about noise nuisance from the premises during events, he had gone outside to check for any possible noise whilst a band had been playing inside the premises recently and stated that he could only hear noise at the front. In order to alleviate any potential future noise nuisance issues, secondary glazing was to be installed in the premises soon and he also mentioned that no doors were left open when entertainments were taking place inside the premises. However, he had been unable to prevent people gaining access into the pub's rear garden after closing and causing noise because the entrance to the car park to the side of the premises was left open and was also used by local people to gain access to the public right of way at the rear of the premises leading into Griffith Street. He would consider the feasibility of installing a gate at the side of the premises to prevent people gaining access into the rear garden after closing. He confirmed that there would be no outside music events and there would only be live music in the pub on Saturday evenings, with discos on Thursday, Friday and Sunday evenings and that door staff would be present at the main entrance of the premises between 8pm and 12 midnight only on Friday and Saturday. He had been proactive in preventing underage drinking at the premises. This had been confirmed by checks undertaken by the Police.

#### **(b) Evidence from the objectors**

Mrs V Prodger, Clerk of Rushden Town Council, spoke objecting to the application. She said that the application had been discussed at a recent meeting of the Town Council which had expressed concern that crime and disorder would increase in the area if the application was granted. The proposed extension of hours would also cause nuisance to local residents. The Town Council had sent a letter offering to co-ordinate objections to the application on behalf of local people and a number of objections and petition had been received from local residents in response, which had been forwarded to the District Council for consideration.

Councillor Robin Underwood, a Ward Councillor for Rushden, spoke objecting to the application. He mentioned that the pub was in his Ward and he was representing local residents at the Hearing who had objected to the application. If the application was granted he considered that it would result in greater public nuisance for local residents. He said that the area had a history of crime and disorder and this would increase if the variation was granted.

Mr Graham Abraham, a local resident living in Griffith Street, spoke objecting to the application. He was also representing another local resident Mr G Snarey and read out a statement from him objecting to the application. The Chairman said that that the statement did not appear to have any valid objections based on the licensing objectives and would be disregarded by the Panel. Mr Abraham said that he had objected to the application because of his concerns about noise nuisance, public order issues and the affect on other local residents if the application was granted. He could hear music from events held at the premises when sitting in his rear garden during the summer because his property was behind the pub.

In response, the applicants offered to notify Mr Abrahams when future events were being held and said that Mr Perry would be prepared to visit his property in Griffith Street when a group was playing to discuss any issues or concerns with him. Mr Abraham agreed to this

offer, which was also welcomed by the Panel.

Ms Hancock summed up the applicant's case and stated that they had taken on board the concerns of the Police, the Environmental Protection Officer and representations local residents and had amended the application accordingly by agreeing not to hold outside music events, with no bands playing live after 12 midnight. They would also be prepared to discuss any issues or concerns with local residents.

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 a Premises Licence for The Wheatsheaf, High Street South, 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 variation with additional conditions:

"The Licensing Panel has considered this application for a variation of Premises Licence for The Wheatsheaf Public House, 1 High Street, Rushden and has taken into account the Licensing Officer's report, representations both in support and objecting to the application and other relevant items of evidence presented.

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 decisions.

The application to vary the Licence included requests to extend the current hours of licensable activities. The Panel considered the extent of public feeling and objections to the request for the extended hours and have decided the following licensing hours will apply:

#### **1. Licensable Activities**

##### **Live Music:**

Sunday to Thursday - 11:00 to 23:30 hours

Friday and Saturday - 11:00 to 23:59 hours

##### **Non Standard Timings**

Christmas Eve and Boxing Day - 11:00 to 01:00 hours

Christmas Day - 11:00 to 14:30 hours and 19:00 to 23:59 hours

New Years Eve - 11:00 to 02:00 hours

New Years Day - 11:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 11:00 to 00:30 hours

##### **Recorded Music:**

Sunday to Thursday – 11:00 to 23:59 hours

Friday and Saturday - 11:00 to 23:59 hours

##### **Non Standard Timings**

Christmas Eve and Boxing Day - 11:00 to 01:00 hours

Christmas Day - 11:00 to 14:30 hours and 19:00 to 23:59 hours

New Years Eve - 11:00 to 02:00 hours

New Years Day - 11:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 11:00 to 00:30 hours

**Late Night Refreshment:**

Sunday to Thursday - 23:00 to 23:59 hours

Friday and Saturday - 23:00 to 23:59 hours

**Non Standard Timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday 23:00 to 00:30 hours

**Supply of Alcohol:**

Sunday to Thursday - 11:00 to 23:59 hours

Friday and Saturday - 11:00 to 00:30 hours

**Non- standard timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 23:00 to 00:30 hours

**Hours Premises Open to Public:**

Sunday to Thursday - 11:00 to 00:30 hours

Friday and Saturday - 11:00 to 01:00

**Non Standard Timings**

Christmas Eve and Boxing Day - 23:00 to 01:00 hours

Christmas Day - 23:00 to 23:59 hours

New Years Eve - 23:00 to 02:00 hours

New Years Day - 23:00 to 00:30 hours

Bank Holiday weekends Friday/Saturday/Sunday - 23:00 to 00:30 hours

In reaching its decision on hours for licensable activities the Panel took into account paragraph 2.13 of East Northamptonshire Council's Statement of Licensing Policy, which directs the Licensing Authority to *"have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling and noise."*

The Panel is conscious the premises is in a reasonably high density residential area and has taken that into account in its decision making. Consequently the Panel felt it would be unreasonable and inappropriate to agree the full requested extended hours.

The weight of evidence provided in the representations from objectors convinced the Panel there is already public nuisance issues in the immediate vicinity of the subject premises. The Panels' view is that extending the licensing hours as had been requested would only exacerbate those problems.

The Panel does however recognise that some of the current permitted hours are earlier than in many other similar establishments. With that in mind, the Panel has decided to extend a number of the licensable activities as shown in the timings above.

**The Panel has agreed to remove the following existing additional condition:**

**Recorded Music**

1. Disco with DJ with regulated amplified music no more than once a month.

The remaining existing additional conditions are unchanged.

**The Panel imposes the following additional conditions:**

1. CCTV to operate within the premises and **to cover both the outside patio area and the area immediately outside the front of the premises on High Street South.** Recordings to be maintained for 14 days. The premises licence holder shall ensure that the DPS or in his/her 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**
2. The Licence Holder has agreed to operate a “no glass” policy (which means the non use of glass drinking vessels of any description) from **2300 hours on Fridays and Saturdays.** Only toughened plastic or polycarbonate vessels are to be used.  
**Reason – to prevent crime and disorder**
3. SIA registered door supervisors must be employed on any day when regulated entertainment is taking place. These door supervisors are to be in place on each occasion from 21:00 hours. Door supervisors operating at the entrance/exit or any external areas shall wear high visibility jackets.  
**Reason – to prevent crime and disorder**
4. A bound and sequentially paginated refusal register and incident log shall be kept at the premises and be made available on request to a Police Officer or other authorised Person.  
**Reason – to prevent crime and disorder**
5. No live or recorded music shall be played, relayed or amplified outside of the building that is licensed at any time.  
**Reason – to prevent public nuisance**
6. The Licence Holder shall ensure that whenever any form of live entertainment, live music, recorded music or anything similar is taking place, all doors and windows are to remain closed to mitigate the noise nuisance effect.  
**Reason – to prevent public nuisance**
7. The Licence Holder shall provide signage at all exits of the premises to remind Patrons to leave in an orderly manner and have respect for nearby residents.  
**Reason – to prevent public nuisance**
8. The Licence Holder shall take the appropriate and necessary action to ensure noise levels from patrons using the smoking area and associated external areas shall not exceed levels acceptable to the Environmental Protection Officers.  
**Reason – to prevent public nuisance**
9. The Licence Holder shall install a secure gate at the junction of the alley way and the premises car park. That gate is to be secured each evening at 23:00 hours to prevent departing patrons using the alley way and shall remain closed until at least 11:00 hours the following morning.  
**Reason – to prevent public nuisance**
10. In accordance with the statement made by the Licence Holder, that he would only hold one live music event each week, a further condition to be imposed is that there shall be



no more than one live music event taking place during any one calendar week.

**Reason – to prevent public nuisance**

**Advisory**

The Panel was encouraged by a number of measures the Licence Holder indicated he was prepared to take to alleviate existing problems. The Panel was also pleased to hear one of the objectors invite the Licence Holder to attend his property during regulated entertainment activities to experience noise levels. The Panel invites the Licensing Enforcement Officer to act as a facilitator to set up this positive opportunity for dialogue.

The Licence Holder explained to the Panel he intends to fit secondary glazing to mitigate noise nuisance. The Licence Holder is to communicate with Environmental Protection to confirm a completion date.

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 the date of the Decision Notice. The decision would become effective 21 days after the Notice had been issued or on the date when any appeal is finally determined.”

**Chairman**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE WHEATSHEAF,  
HIGH STREET SOUTH, 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**

The representations from the residents referred to low level crime such as fly tipping and criminal damage to property. There are also allegations regarding drug taking and dealing in the area.

**(b) Prevention of Public Nuisance**

The representations from local residents referred to noise from customers of the premises and loud music emanating from the premises from music being played inside the premises and from noisy customers using the outside areas of the premises.

The representation from the Environmental Protection Officer was concerned with public nuisance caused by music and other outdoor entertainment. However, conditions had been agreed in writing with the applicants and included a reduction in the hours of operation and removal of outside entertainment. The agreed conditions would be included in the Licence.

The representation from the District Councillor was concerned with noise from entertainment and also asked for a reduction in the hours of operation.

The representations from the Police had been agreed by the applicants and the conditions asked for by the Police would be included in the Licence.