

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 15 February 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Pauline Bradberry
Peter MacGovern

Richard Gell (Chairman)

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed Chairman for this Hearing.

2. DECLARATION OF INTEREST

No interests were declared.

3. APPLICATION FOR A PREMISES LICENCE – THE WOODPECKER, MARSHALLS ROAD, RAUNDS

The Licensing Officer reported on an application for the variation of a Premises Licence for The Woodpecker, Marshalls Road, Raunds, under the Licensing Act 2003.

The application requested hours for the following regulated entertainment:

Plays

Monday to Sunday from 09:00 to 2300 hours

Films

Monday to Sunday from 09:00 to 2300 hours

Indoor Sporting Events

Monday to Saturday from 10:00 to 23:30 hours

Sunday from 11:00 to 22:30 hours

Non Standard Times

Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday Sunday Monday and any other Bank holidays from 11:00 to 02:00 hours the following day.

Live Music

Monday to Wednesday from 11:00 to 23:30 hours

Thursday from 11:00 to 23:59 hours

Friday and Saturday from 11:00 to 01:00 hours

Sunday from 11:00 to 23:00 hours

Seasonal variations

Raunds Music Festival (Springtime) Thursday to Sunday from 11:00 to 01:00 hours the

following day.

Non Standards Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Recorded Music

Monday to Wednesday from 09:00 to 23:30 hours

Thursday from 09:00 to 23:59 hours

Friday and Saturday from 09:00 to 01:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Performances of Dance

Monday to Sunday from 09:00 to 23:00 hours

Provision of Facilities for Dancing

Monday to Thursday from 09:00 to 23:30 hours

Friday to Saturday from 09:00 to 02:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day Boxing Day Good Friday Easter Saturday Sunday Monday and all other Bank Holidays from 09:00 to 02:00 hours the following day

New Years Eve from 09:00 to 03:00 hours the following day.

Late Night Refreshment

Monday to Wednesday from 23:00 to 23:59 hours

Thursday from 23:00 to 00:30 hours

Friday and Saturday from 23:00 to 01:30 hours

Non Standard Timings

Christmas Eve, Boxing Day, Good Friday, Easter Saturday Sunday and Monday any other Bank Holiday, New Years Eve from 23:00 to 02:00 hours the following day.

Supply of Alcohol (Both On and Off)

Monday to Wednesday from 10:00 to 23:30 hours

Thursday from 10:00 to 23:59 hours

Friday and Saturday from 10:00 to 01:30 hours

Sunday from 11:00 to 22:30 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day New Years Day, Good Friday, Easter Saturday Sunday and Monday and all other Bank Holidays from 10:00 to 02:00 hours the following day.

New Years Eve from 10:00 to 03:00 hours the following day.

All the statutory bodies had been consulted. Representations had been received from six local residents, two of which had been withdrawn. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 7 below).

The Panel noted that Environmental Protection and the Police had agreed conditions with the applicant and these were submitted for information.

(a) Evidence from the applicant

Mrs Eileen Macaulay, the applicant, spoke in support of the application. She confirmed that her application for the playing of music outside had been withdrawn. She explained that she and her partner had been the licensees of The World Upside Down in Raunds for four years and had had no issues during that time. The premises had been extensively renovated, including the installation of extra external lighting, 24 hour CCTV and double glazing in all windows on the ground floor. No music would be played outside and the applicant would advertise in advance when live music would be taking place. Although the applicant had requested later hours, she intended to close the doors at 2300 hours as at The World Upside Down which would mean people would filter out at different times. She hoped to develop good relations with her neighbours and would distribute contact numbers. Other measures the applicant would have in place included, training for all staff with regards to under-age drinking and anti-social behaviour, the keeping of due diligence records, the keeping of a log to record refusals, signage warning those in the smoking area or leaving about noise and language, and membership of the local Pubwatch scheme.

(b) Evidence from the objectors

No objectors attended the hearing. It was noted that most of the local residents' concerns were historic and related to the previous licensee. As a resident of Marshalls Road to the rear of the premises, the applicant was aware of previous issues and was confident the premises would not be run in the way it had been under the previous licensee. Air conditioning had been installed to avoid the need for open windows. A sound test had also been carried out and music could not be heard by residents of Marshalls Road.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the solicitor, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That the application for a Premises Licence for The Woodpecker, Marshalls 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 Licence with additional conditions:

“The Licensing Panel has considered this application for a new Premises Licence for The Woodpecker, Marshalls Road, Raunds, and has taken into account the Licensing Officer’s report, representations objecting to the application and evidence presented by the Applicant. In reaching its decision the Panel paid due consideration to the operating schedule submitted by the Applicant.

The Applicant has already installed double glazing and air conditioning and has carried out a noise assessment report in an effort to reduce any noise nuisance.

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 Panel’s decision is to grant the premises licence for the licensable activities and hours as applied for.

1. **Licensable Activities**

Plays

Monday to Sunday from 09:00 to 23:00 hours

Films

Monday to Sunday from 09:00 to 23:00 hours

Indoor Sporting Events

Monday to Saturday from 10:00 to 23:30 hours

Sunday from 11:00 to 22:30 hours

Non Standard Times

Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday Sunday Monday and any other Bank holidays from 11:00 to 02:00 hours the following day.

Live Music

Monday to Wednesday from 11:00 to 23:30 hours

Thursday from 11:00 to 23:59 hours

Friday and Saturday from 11:00 to 01:00 hours

Sunday from 11:00 to 23:00 hours

Seasonal variations

Raunds Music Festival (Springtime) Thursday to Sunday from 11:00 to 01:00 hours the following day.

Non Standards Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Recorded Music

Monday to Wednesday from 09:00 to 23:30 hours

Thursday from 09:00 to 23:59 hours

Friday and Saturday from 09:00 to 01:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday Sunday Monday and any other Bank Holidays from 11:00 to 01:00 hours the following day.

New Years Eve from 11:00 to 02:30 hours the following day.

Performances of Dance

Monday to Sunday from 09:00 to 23:00 hours

Provision of Facilities for Dancing

Monday to Thursday from 09:00 to 23:30 hours

Friday to Saturday from 09:00 to 02:00 hours

Sunday from 09:00 to 23:00 hours

Non Standard Timings

Christmas Eve, Christmas Day Boxing Day Good Friday Easter Saturday Sunday Monday and all other Bank Holidays from 09:00 to 02:00 hours the following day
New Years Eve from 09:00 hours to 03:00 hours the following day.

Late Night Refreshment

Monday to Wednesday from 23:00 to 23:59 hours

Thursday from 23:00 to 00:30 hours

Friday and Saturday from 23:00 to 01:30 hours

Non Standard Timings

Christmas Eve, Boxing Day, Good Friday, Easter Saturday Sunday and Monday any other Bank Holiday, New Years Eve from 23:00 to 02:00 hours the following day.

Supply of Alcohol (Both On and Off)

Monday to Wednesday from 10:00 to 23:30 hours

Thursday from 10:00 to 23:59 hours

Friday and Saturday from 10:00 to 01:30 hours

Sunday from 11:00 to 22:30 hours

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day New Years Day, Good Friday, Easter Saturday Sunday and Monday and all other Bank Holidays from 10:00 to 02:00 hours the following day.

New Years Eve from 10:00 to 03:00 hours the following day.

The Panel also imposes the following **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 is to ensure that whenever any form of live entertainment, live music, recorded music or anything similar is taking place all doors are to remain closed to mitigate the noise nuisance effect.
3. The Licence Holder is to 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 is to 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.

Reason for the above conditions – to prevent public nuisance.

5. The Licensee shall have installed and properly maintained in working order at all times a CCTV system. In particular this system shall:
 - a. Hold images for at least 21 days
 - b. Cover all areas to which the public have access, including entrances and exits.
 - c. Staff shall be fully trained in its operation
 - d. Images will be made immediately available from the system to a police officer on request
 - e. Real time images of CCTV coverage will be on view to a member of staff at all times during hours of opening.

Reason for the above conditions – the prevention of crime and disorder

6. The Licensee shall ensure all staff engaged in selling alcohol are trained in alcohol awareness.
7. All new staff to be trained within 2 weeks of commencing employment. Evidence of training to be retained in writing (signed and dated) and to be available for inspection by any authorised person and trading standards officers.

Reason for the above conditions – public safety

8. 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

The Decision Notice will be sent out in writing to all interested parties. If aggrieved with the Panel's decision, the applicant and any party that has made representations has the right to appeal to the Magistrates Court within 21 days of the Decision Notification letter."

Chairman

**APPLICATION FOR A PREMISES LICENCE – THE WOODPECKER, MARSHALLS
ROAD, RAUNDS**

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

1. Prevention of Public Nuisance

The representations from the residents referred to noise from customers of the premises and loud music emanating from the premises. The representations also referred to anti-social behaviour by persons leaving the premises at late hours, shouting and swearing and throwing litter into gardens.

2. Prevention of Crime and Disorder

The representations received from residents referred to concerns about crime and disorder re-occurring as they had historical problems with a previous premises located here.

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 23 February 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenvi Greenwood Smith
Glenn Harwood (Chairman)

Anna Sauntson

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. APPLICATION FOR A PREMISES LICENCE – TESCO STORES LTD, CHURCH STREET, RUSHDEN

The Licensing Officer reported on an application for a Premises Licence for Tesco Stores Ltd, Church Street, Rushden, under the Licensing Act 2003.

The application requested that the convenience store be allowed to supply alcohol (Off Sales only) from Monday to Sunday from 06:00 hours to 23:00 hours.

All the statutory bodies had been consulted. Two representations had been received: one from the public (St Mary's Church, Rushden Church Council); and one from Rushden Town Council. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 3 below).

(a) Evidence from the applicants

Mr P Bark, a solicitor representing Tesco Stores Ltd, spoke in support of the application. He described Tesco's policy regarding the selling of alcohol in its stores and how the company took steps to ensure that it sold alcohol in a responsible way. The new store would be a Tesco Express convenience store for the local community selling mainly food and a limited range of alcohol products which would not be discounted. Alcohol products would only make up 7% to 8% of the total range of goods on sale at the store and these products would be delivered at the same time during the day as food deliveries at the back of the store. He stated that a security guard would be on duty at the main entrance/exit to the store from 3.00pm until 11.00pm, Wednesday to Sunday. There would be up to 16 CCTV cameras within and outside the store, with some of the cameras covering the area selling alcohol and spirits would be located behind the checkouts. It was also Tesco's policy to work closely with the local police who would be notified if there were any incidents or problems. He

emphasised that the store wanted to engage with the local community and that each store had a budget to fund and support local projects. He asked that the Panel grant the licence in full with the hours requested on the application, subject to any appropriate conditions the Panel may wish to add.

Ms Jo Gilpen, the store manager and Mr Matt Madeger, the store's operations manager, were also present and spoke briefly in support of the application.

(b) Evidence from an objector

Mr John Allen, spoke on behalf of the Rushden Church Council, who were objecting to the application. He stated that the Church Council was not against the opening of the Tesco store and hoped that it would help regenerate this part of the town but wished to object to the proposed hours for selling alcohol. Unlike other premises in Rushden selling alcohol, the store would be situated directly opposite the War Memorial and outside St Marys Church, where young people met during the evening and drank alcohol. These groups of young people often caused problems for the Police and the Church Council was concerned that if the application was allowed in full, it would result in an increase in public order and public nuisance issues. There was also concern that the location of the new store would increase drink related crime in this area of Rushden and he mentioned that the Town Council also supported this view. He mentioned that there was a big problem with under age drinking in Rushden town centre generally and requested that the hours the store was permitted to sell alcohol should be reduced from 10.00am until 8.00pm Monday to Saturday and from 10.00am until 4.00pm on Sunday. He stated that the requested reduction in hours would assist with limiting the potential increase in the alcohol related issues in this part of Rushden.

Mr Bark replied to Mr Allen's statement by stating that Tesco had carefully considered the objections made and would respond to these in a responsible way in line with their company's licensing policy. He emphasised that the neither the Police nor the other enforcing authorities had made any formal objections to the application and stated that, if granted, the Licence could be reviewed at any time under the Licensing Act.

The Panel raised a number of issues with the applicant including: the potential problem with litter cause by customers after they had left the store; the location and provision of litter bins outside the store; the number and location of CCTV cameras both inside and outside the store; the security arrangements proposed for storing and selling alcohol within the store, including the use of security guards; the arrangements proposed for dealing with the potential theft of alcohol from the store; and the requested hours of opening to sell alcohol.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That the application for a Premises Licence for the Tesco Express Store, Church 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 Licence with additional conditions:

"The Licensing Panel has considered this application for a new Premises Licence for Tesco Stores Limited, Church Street, Rushden and has taken into account the licensing officer's report and relevant representations.

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 a decision.

The Panel felt there was enough evidence provided by both the Town Council and the Church Council of existing anti-social behaviour and public nuisance in two areas immediately adjacent to the premises, specifically St Mary's Churchyard and the Memorial Garden. The Panel felt that allowing alcohol sales in new premises so close to those areas had the potential to exacerbate those anti-social behaviour and public nuisance problems.

The Panel, therefore, grants the Premises Licence for the supply of alcohol for the following hours.

Supply of Alcohol (Off Sales only)

Monday to Sunday from 10:00 hours to 22:00 hours.

Reason: Prevention of Crime and Disorder and Prevention of Public Nuisance.

The Licence issued is subject to mandatory conditions.

The Panel imposes the following additional conditions:-

1. The Licence Holder shall make adequate provision for waste bins which are to be situated at the exits of the premises.
Reason: Prevention of Public Nuisance.
2. The Licence Holder shall have in place a security guard between 15:00 hours until close of business from Wednesday to Sunday (inclusive).
Reason: Prevention of Crime and Disorder

The Panel was pleased to see the comprehensive operating schedule and believes it shows all reasonable steps are being taken to address the concerns of the objectors. The Panel welcomes the applicant's willingness to liaise with the Police and enforcement authorities but would encourage similar liaison and co-operation with the Town Council and St Mary's Church Council.

The Decision Notice will be sent out in writing to all interested parties. If aggrieved with the Panel's decision, the applicant and any party that has made representations has the right to appeal to the Magistrates Court within 21 days of the Decision Notification letter."

Chairman

APPLICATION FOR A PREMISES LICENCE – TESCO EXPRESS STORE, CHURCH STREET, RUSHDEN

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

1. Prevention of Public Nuisance

The representation from the Church Council referred to the proposed hours attracting late night drinkers to the garden area by the war memorial and to the churchyard thereby increasing anti social behaviour. The representation from Rushden Town Council reflected the same concerns and, in addition, referred to the possibility of increased littering in the area.

2. Prevention of Crime and Disorder

Both the Church Council and Rushden Town Council referred to the possibility of increased crime and disorder in the vicinity of the war memorial. The Church Council pointed out the work of the police and street pastors to reduce crime and disorder in the area.

3. Protection of Children from Harm

Both representations pointed out potential danger to children with the Church Council laying greater emphasis on those youth groups that use the Church premises on a regular basis.