

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 20 April 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: Glenn Harwood (Chairman) Anna Sauntson
Sylvia Hughes

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed chairman for this hearing.

2. DECLARATIONS OF INTEREST

Councillor Glenn Harwood declared a personal interest because he knew Christopher Henderson, an objector.

3. APPLICATION FOR A PREMISES LICENCE – STANWICK VILLAGE HALL, SPENCER PARADE, STANWICK

The chairman announced that two requests to speak had been received from people who had not submitted formal written representations. The panel agreed that, as one speaker intended to speak in support and one in objection, and neither the applicants or objectors objected to the hearing of the additional speakers, they would be allowed to speak in accordance with Regulation 31 and 32 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Officer reported on an application for a premises licence for Stanwick Village Hall, Spencer Parade, Stanwick under the Licensing Act 2003.

The application requested a licence for the provision of regulated entertainment and entertainment facilities.

All the statutory bodies had been consulted. One representation had been received from a local resident and two conditions had been agreed with Environmental Protection (noise) to prevent noise nuisance.

(a) Evidence from the applicants

Rebecca Moody, Stanwick Village Hall's Facilities Manager, and two trustees, Sue Kitchener and David Hill attended the hearing.

The Facilities Manager explained the role of the hall as a community building, which had been funded in part by ENC, and that she had taken advice on licensing to ensure the hall could fulfil the needs of community whilst being sympathetic to local residents. The hall would be used mainly for community events, such as a playgroup, yoga, Brownies etc and

licensable activities would not happen that often. The main purpose of the licence would be to host travelling theatre groups, film clubs and possibly small music concerts, for example, the Women's Institute had requested a ticketed event for an African drumming evening.

The patio was not included in the area for which the licence would apply and its main use in the daytime was for the playgroup. The whole site, patio included, would be non-smoking. The double doors which opened from the hall to the patio would be kept shut during licensable activities. It was explained that there were vents in the roof to cool the building but the manager would ensure hirers were aware of the implications for noise escaping the building if they needed to be opened. The building had been built to current building standards and noise should not travel.

Open meetings run by the trustees had been held advertising the hall and the intended uses. There would be two hiring rates, one for village residents and one from those outside the village, to promote local use. Detailed terms and conditions had been developed for hirers to adhere to under advice from ACRE. The Facilities Manager had her office on site and would be available to contact by mobile telephone outside normal working hours.

(b) Evidence from the objectors

Mr Christopher Henderson, a local resident, raised objections regarding the supervision of the hall when it had been hired out if the manager was not on site and anti-social behaviour. The Facilities Manager reassured him that there were no major existing anti-social behaviour problems in Stanwick, that she would check on large events, and that the hall would run lots of events and clubs for young people.

Mr David Campbell, another local resident, asked that a rota of contacts be available for residents to use to raise any concerns.

Mr Henderson also raised concerns about the potential for noise nuisance, smokers on the patio and overlooking of his property.

Councillor Eloise Lucille, ward member for Stanwick, spoke in support of the application. She commented that she would look to help the management committee resolve the objectors' concerns that were outside of panel's remit within the community, including creating and publishing a rota of contacts.

The panel raised a number of issues with the applicant including: the size and direction - when open - of the vents in the roof, the availability of the manager out of normal working hours, where people would smoke if not allowed to use the patio (the Memorial Gardens), how the management would deal with Temporary Event Notice events and the possible consumption of alcohol onsite (a covenant prevented the sale of alcohol on the land and there would be a restriction on the hours of the lease of the hall), the closing hours of pub, club and hall, and the capacity of the hall.

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 Stanwick Village Hall, Spencer Parade, Stanwick 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, Stanwick Village Hall, Spencer Parade, Stanwick 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 decision.

To grant the application for the following licensable activities.

Plays

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Films

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000hours

Indoor Sporting Events

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Live Music

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non standard timings New Years Eve 0900 hours to 0100 hours

Recorded Music

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non Standard timings New Years Eve 0900 hours to 0100 hours

Performances of Dance

Sunday Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non standard Hours New Years Eve 0900 hours to 0100 hours

Anything similar to recorded, live music or dance

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non standard timings New Years Eve 0900 hours to 0100 hours

Provision of facilities for making music

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non standard Timings New Years Eve 0900 hours to 0100 hours

Provision of Facilities for Dancing

Sunday to Thursday 0900 hours to 2300 hours

Friday to Saturday 0900 hours to 0000 hours

Non standard Timings New Years Eve 0900 hours to 0100 hours.

Hours open to Public

Sunday to Thursday 0900 hours to 2300 hours

Friday and Saturday 0900 hours to 0000 hours

Non standard Timings New Years Eve 0900 hours to 0100 hours.

In addition to the mandatory conditions the panel imposes the following additional conditions.

1. No live or recorded music shall be played, relayed or amplified outside of the premises at any time.
Reason: To prevent public nuisance.
2. The licence holder is to ensure that whenever live entertainment, live music, recorded music or anything similar is taking place all doors, windows and skylights are to remain closed to mitigate the noise nuisance effect.
Reason: To prevent public nuisance.
3. The licence holder is to ensure that no noise from any form of live entertainment, live music, recorded music or anything similar shall be audible inside noise sensitive properties.
Reason: To prevent public nuisance.
4. The licence holder is to create a duty roster for management. That roster is to be made widely available, displayed in the village hall and is to be distributed to noise sensitive properties.
Reason: To prevent public nuisance.
5. The licence holder is to display the appropriate signage that advises Patrons to respect neighbours when leaving the premises.
Reason: To prevent public nuisance.

The panel took into account the concerns raised by the objectors although a number of the issues were not within the remit of the Licensing Panel.

The panel thanks supporters and objectors alike for their constructive contribution to this licensing hearing. In particular, the panel was encouraged to hear the manager and trustees of the village hall offer the opportunity to objectors to discuss any concerns they may have in the future. The council's Licensing Enforcement Officer and Environmental Protection Team are there to assist if required.

The decision notice will be sent out in writing. If aggrieved with the panel's decision, the applicant and any party that has made representation has the right to appeal to the Magistrates Court within 21 days of the decision notification letter."

Chairman

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 23 June 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenn Harwood (Chairman)
Richard Gell

Gill Mercer

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed chairman for this hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraphs 1 and 7 of schedule 12A of the Local Government Act 1972, may be disclosed.

4. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the council's Hackney Carriage and Private Hire Driver's Criminal Records Policy when considering this application.

The Criminal Records Bureau (CRB) disclosure revealed that the applicant had received a conviction on 17 May 2000 for driving a motor vehicle with excess alcohol on 13 May 2000. He received a £200 fine with £45 costs, was disqualified from driving for 18 months and had his licence endorsed.

The applicant was present at the hearing where he spoke in support of his application. He commented that it had been 11 years since the offence and he had learnt from his mistake and taken positive steps including become a special constable.

The panel asked the applicant a number of questions about the offence and his later offences, jumping a red light and speeding. The panel emphasised its duty to protect the public.

The applicant was fully aware of the council's Hackney Carriage and Private Hire Drivers Criminal Records Policy and understood that there were no "spent" convictions as far as taxi drivers were concerned.

After considering the officer's report and representations made by the applicant, including advice from the Solicitor to the Council, the panel retired to consider the application and evidence presented at the hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The chairman then read out the following statement giving the reasons why the panel had granted the application: -

"The panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the panel had regard to:

Government guidance

ENC Hackney Carriage and Private Hire Drivers Criminal Records Policy

ENC Hackney Carriages / Byelaws (Terms and conditions)

The panel has reached the decision to grant the licence for a period of two years with standard conditions.

The panel considered the three offences declared on the application form. The offence recorded on 17 May 2000 was a serious offence but the panel felt that it was sufficiently dated not to be part of their considerations.

The motoring offences in 2008 and 2010 were also considered by the panel who felt they needed further explanation; which the applicant provided. The panel was particularly concerned with the offence in 2010.

These 2 offences had accrued 6 points on the applicant's licence. The panel wishes to bring to the applicant's attention that more than 6 points on his driving licence will lead to another Licensing Panel Hearing, which could result in the licence being revoked.

The panel thanks the applicant for being so candid when responding to the panel's questions.

The panel would like to emphasize that the safety of the public is paramount and would take this opportunity to remind the applicant of his responsibilities in that respect.

Confirmation of this decision will be posted to you. Should you have any grievance with the panel's decision you have the right to appeal to the Magistrates Court within 21 days."

Chairman

LICENSING (TAXI AND MISCELLANEOUS) PANEL

Date: 5 July 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 2.00pm

Present: Councillors: -

Richard Gell (Chairman)
Brian Northall

Glennil Greenwood-Smith

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed chairman for this hearing.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraphs 1 and 7 of schedule 12A of the Local Government Act 1972, may be disclosed.

4. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer reported on an application for a Hackney Carriage and Private Hire Driver's Licence under the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976. Reference was made to the council's Hackney Carriage and Private Hire Driver's Criminal Records Policy when considering this application.

The Criminal Records Bureau (CRB) disclosure revealed convictions from between 1973 and 1977.

The applicant was present at the hearing where he spoke in support of his application. All the offences had occurred when he was a teenager and the last had been when he was 20. He had been awarded 3 points for crossing white lines in 2006. He held a private hire licence in Wellingborough and ran a private hire company in Wellingborough. He supplied a number of references.

The panel asked the applicant a number of questions.

The applicant was fully aware of the council's Hackney Carriage and Private Hire Drivers Criminal Records Policy and understood that there were no "spent" convictions as far as taxi drivers were concerned.

After considering the officer's report and representations made by the applicant, including advice from the Solicitor to the Council, the panel retired to consider the application and evidence presented at the hearing, and it was

RESOLVED:

That the application for a Hackney Carriage and Private Hire Driver's Licence be granted for two years with standard conditions.

The chairman then read out the following statement giving the reasons why the panel had granted the application:

"The Panel has carefully considered your application for the issue of a Hackney Carriage and Private Hire Drivers Licence. In reaching its decision, the Panel had regard to:

Government Guidance

ENC Hackney Carriage and Private Hire Drivers Criminal Records Policy

ENC Hackney Carriages / Byelaws (Terms and Conditions)

The Panel has reached the decision to Grant the licence for a period of two years with standard conditions.

The Panel considered the numerous past offences declared on the application form but the Panel felt that they were sufficiently dated not to be part of their considerations.

The Panel thanked the applicant for being so candid when responding to the Panel's questions.

The Panel would like to emphasize that the safety of the public is paramount and would take this opportunity to remind the applicant of his responsibilities in that respect.

Confirmation of this decision will be posted to you within 21 days. Should you have any grievance with the Panel's decision you have the right to appeal to the Magistrates Court."

Chairman