

BOROUGH OF KETTERING

Committee	LICENSING SUB-COMMITTEE	Item A1	Page 1 of 4
Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i>	
Wards Affected	Slade	1st September 2015	
Title	TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE FOR THE TOLLEMACHE ARMS, 49 HIGH STREET, HARRINGTON WHERE A REPRESENTATION HAS BEEN RECEIVED		

Portfolio Holder: Councillor Lloyd Bunday

1. PURPOSE OF REPORT

To determine an application to vary a Premises Licence for The Tollemache Arms, 49 High Street, Harrington where a representation has been received.

2. INFORMATION

2.1 An application to vary a Premises Licence has been received for The Tollemache Arms, Harrington. A copy of the application is attached at **Appendix A**. The application is to vary the plan of the licensable area to take account of a number of changes and to seek an amendment to a condition on the existing licence.

2.2 The condition which it is proposed to amend currently states:

Annex 3,1. All external doors, other than those used for emergency exits only, shall be provided with lobbies, the doors to which shall be fitted with automatic closing devices. The doors shall be kept closed, so far as is practicable, at any time when regulated entertainment is taking place, or facilities are being provided for regulated entertainment.

The proposed condition reads:

All external doors, other than those used for emergency exits only, shall be kept closed except for access and egress, whenever regulated entertainment is taking place.

2.3 For information the licensable hours of the premises are as follows

Performance of Live Music, Playing of Recorded Music, Sale of alcohol – On and Off the premises

Monday – Saturday 11.00 – 23.00

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Sunday 12.00 – 22.30

Opening hours

Monday – Saturday 11.00 23.20

Sunday 11.00 – 22.50

There are extensions to these hours by one hour for bank holidays and the Christmas / New Year period together with an extension from 23.00 on 31 December to 11.00 on 1 January.

- 2.4 A copy of the current licence is attached at **Appendix B**.
- 2.5 A street plan showing the location of the premises is at **Appendix C**.
- 2.6 The steps proposed by the applicant to ensure that the licensing objectives are met are detailed in the attached application. These are very general statements and the majority are unenforceable in their current wording.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 The following were consulted:

Public	Representation
Environmental Health	No representation
Police	No representation
Borough Councillors	No representation
Planning	No representation
Child Protection	No representation
Fire	No representation
Trading Standards	No representation
Customs and Excise	No representation
Health	No representation

- 3.2 One representation has been received from a local resident living in an adjoining property. The concerns raised relate to increases in noise levels resulting from the changes to the premises.

The representation is attached at **Appendix D**.

- 3.3 A similar representation (**Appendix D(i)**) has been submitted to Planning in relation to the planning permission that is currently being processed for the structural alterations. That planning permission is recommended for approval with the addition of the following condition:

There shall be no external amplification in/on or serving the outside decking area.

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3.4 No representations have been received from the Environmental Protection Team in Environmental Health relating to previous noise concerns from the premises.

4. POLICY IMPLICATIONS

4.1 This section highlights the sections of the Authority's 2015 - 2019 Statement of Licensing Policy that are most relevant with respect to this application, this is not exhaustive and the policy should be looked at fully prior to making decisions with respect to applications. The paragraph numbers are as shown in the Statement of Licensing Policy:-

1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.

1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and, as stated above, each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.

1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.

2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.

2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.

6.7 The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

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- 6.9 Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.
- 6.10 This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour Act 2003. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act. The Anti-Social Behaviour, Crime and Policing Act 2014 also provides powers to close premises due to nuisance or disorder.
- 4.2 Regard must also be had to the Section 182 guidance to the Licensing Act 2003.
- 4.3 Section 17 of the Crime and Disorder Act 1998 requires that local authorities and others must consider crime and disorder reduction while exercising all their duties.

5. USE OF RESOURCES

- 5.1 There are no financial implications.

6. RECOMMENDATION

The committee's decision is requested.

Background Papers:

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes:

Ref:

Date: