

**NORTHAMPTON BOROUGH COUNCIL**

**ALCOHOL & GAMBLING LICENSING SUB-COMMITTEE**

**Wednesday, 28 August 2019**

**PRESENT:** Councillor Ansell (Chair); Councillors Duffy and Haque.

**1. ELECTION OF CHAIR**

The Democratic Services Officer invited nominations for the election of Chair of the Alcohol & Gambling Licensing Sub-Committee.

**RESOLVED:**

That Councillor Ansell be elected Chair of the Alcohol & Gambling Licensing Sub-Committee, for this meeting only.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. CONSIDERATION OF PRELIMINARY MATTER RELATING TO VARIATION PREMISES LICENCE**

The Chair, Councillor Ansell made introductions and outlined the procedure to be followed and enquired whether there were any preliminary matters.

Prior to commencement of the consideration of the Variation Premises Licence Application, the Legal Advisor invited Members to hear from the Premises Licence Holder concerning the representation by Ian Gaffron in reference to regulation 25 of the Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005 had not been met. Ian Gaffron stated that the Premises Licence Holder had displayed a notice at the premises that was not off a size equal or larger than A4, was not of a pale blue colour and was not printed in a font of a size equal to or larger than 16 point size.

The Chair invited Siobhan Marden, on behalf of the Premises Licence Holder to make representations to the Committee. Siobhan Marden made the following representations on this issue:

1. The Premises Licence Holder were not aware of the specific requirements of regulation 25 of the Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005;
2. Licensing Services did not explicitly tell the Premises Licence Holder what she would have to do in order to comply with regulation 25 of the aforementioned Act; and
3. If there was a lack of compliance, then it was not intentional and was not intended to deceive any person.

Members received legal advice from the Legal Advisor as follows:

1. Regulation 25 of the Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005 was specific in its requirements for the notice to be displayed at the premises by the Premises Licence Holder.
2. Whether the non-compliance with the aforementioned regulation is fatal to the variation

application by the Premises Licence Holder is a matter of discretion for the Members.

3. The Members should, if they find that there is material non-compliance with regulation 25 of the aforementioned act, turn their minds to the question of whether any person who might be affected by the variation application has been caused any prejudice. The Members should not fetter their discretion on this issue.
4. If the Members find that there has been prejudice caused as aforementioned then they must treat the variation application as being not properly made.
5. If the Members believe that no prejudice has been caused to any person then they must hold a hearing to decide the variation application.

The Sub-Committee and the Legal Advisor then retired at 11:09 a.m. to consider the application in closed session.

The Sub-Committee and the Legal Advisor returned at 11:46 a.m. to announce its decision.

The Legal Advisor, on behalf of the Chair announced that the Sub-Committee was satisfied that there had been material non-compliance with the requirements of regulation 25, no prejudice has been caused to any persons who might be affected by the variation application. The following was noted:

1. Members noted that one person had made representations and therefore it was reasonable to believe that other local residents would have been able to make representations if they had chosen to do so.
2. In the circumstances, Members consider that the variation application was properly made as no person who may have been affected by the variation was caused prejudice solely by the size and colour of the paper advertisement itself and the font size used in it.
3. The advertisement clearly informed any reader that the Premises Licence Holder wanted to extend the hours of use of the Premises on Saturday and Sunday night/

#### **4. VARIATION PREMISES LICENCE APPLICATION**

Following considering of the preliminary matter, the Chair invited the Senior Licensing Enforcement Officer to present the report of the Licensing Team Leader.

The Chair invited Ian Gaffron to address the Committee concerning his representation in opposition to the variation of hours for the sale of alcohol on the premises and the playing of live and recorded music.

Ian Gaffron explained that he lived 20 yards from the rear yard of the premises, that he works normal office hours. He explained to the Committee that he has concerns about increased noise from the premises late at night, especially with regard to the rear smoking yard, which can be rowdy at times with music and people leaving the premises late at night. He has not made any formal complaints to Northampton Borough Council about noise nuisance emanating from the premises.

The Chair invited Siobhan Marden, the manager of *Jimmy's Sports Bar of 6-10 Harlestone Road, Northampton* to address the Committee.

Siobhan Marden, on behalf of the Premises Licence Holder made representations in support of the variation application. She stated that the Premises Licence Holder had relied upon a series of temporary event notices to extend the hours of use when providing live music or opening later in the evening. This application was made so that the premises did not have to

rely upon temporary event notices going forward. It was noted that live music and other events will not take place every weekend so it may be that the premises only takes advantage of the increased hours occasionally. No formal complaints have been made to Northampton Borough Council about noise nuisance caused by the premises. They further explained that signs are displayed in the rear smoking yard to advise customers against causing excessive noise and door staff supervise the area. The premises has two gambling machines and the bar and door staff monitor their usage in order to prevent under-age persons using them. It was noted the premises is air conditioned and closed circuit television cameras are installed throughout, the premises can hold a maximum of 160 persons and customers can only exit from the front entrance. The Premises Licence Holder has agreed with the council and the Police to the imposition of certain conditions on the premises licence designed to promote the licensing objectives and prevent public nuisance and crime and disorder. Members were advised that these conditions are set out to the report in Appendices D and E.

The Sub-committee considered the options open to it under the Act and the extent to which they were appropriate with regard to the variations sought.

### **RESOLVED:**

That the Premises Licence for *Jimmy's Sports Bar of 6-10 Harlestone Road, Northampton* shall be varied in the following terms:

- A. The agreed conditions set out in Appendices D and E to the report shall be added to the premises licence;
- B. The sale of alcohol for consumption on the Premises on Fridays and Saturdays shall be permitted until 01:00;
- C. The indoor playing of recorded music on Fridays and Saturdays shall be permitted until 01:00;
- D. The indoor provision of live music on Fridays and Saturdays shall be permitted until 00:00;
- E. The opening hours on Fridays and Saturdays shall be 10:00 until 01:30 and
- F. Otherwise as detailed above, the premises licence for Jimmy's Sports Bar shall remain unaltered.

### **Reasons:**

- 1. Mr Gaffron's representations regarding the variations sought by the Premises Licence Holder were taken into account. However, Members noted that no formal complaints about noise nuisance had been lodged with the Council by Ian Gaffron or any other person and so there was no available evidence to suggest that the variations sought were likely to result in public nuisance or crime and disorder with regard to the Premises.
- 2. The Members were satisfied that the Premises Licence Holder was an experienced licence holder and that Siobhan Marden was an experienced bar manager. The Premises appeared to be organised, well run and looked good from the outside.

The meeting concluded at 13:42